

MEETING NOTICE AND AGENDA
MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting

Monday, April 2, 2012 ■ 7:15 PM

Audrey P. Beck Municipal Building ■ 4 South Eagleville Road ■ Council Chambers

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes**
 - a. March 19, 2012 Meeting
4. **Zoning Agent's Report**
 - Monthly Activity Update
 - Enforcement Update
 - Other
5. **Old Business**
 - a. **Proposed Revisions to Zoning Subdivision Regulations Regarding Bonding**
Memo from Director of Planning and Development
 - b. **Proposed Revisions to the Pleasant Valley Residence/Agriculture (PVRA), Pleasant Valley Commercial/Agriculture (PVCA) Regulations and Research and Development/Limited Industrial Zone, (PZC File #907-37)**
Public Hearing Scheduled for May 7, 2012
 - c. **Other**
6. **New Business**
 - a. **Revised Modification Request, Revision to BAE, 87 Jonathan Lane, PZC File #1113-3**
B. LeClair, owner/applicant
Memo from Zoning Agent
 - b. **Subdivision Design Process Submittal, Beacon Hill Estates Section 2, PZC File #1214-3**
Eagleville Development Group LLC
Memo from Director of Planning and Development
 - c. **Request for 90-Day Filing Extension, Listro Property, Stearns/Candide Lane, PZC File #1296**
Memo from Director of Planning and Development
 - d. **8-24 Referral Re: Healey License Request at Common Fields**
Memo from Director of Planning and Development
 - e. **8-24 Referral Re: FY 2013 Capital Improvement Budget**
Memo from Director of Planning and Development
 - f. **8-24 Referral Re: Storrs Center Utility Easement**
Memo from Director of Planning and Development

Michael Beal ■ Binu Chandy (A) ■ JoAnn Goodwin ■ Roswell Hall III ■ Katherine Holt ■ Gregory Lewis ■ Peter Plante
Barry Pociask ■ Kenneth Rawn ■ Bonnie Ryan ■ Vera Stearns Ward (A) ■ Susan Westa (A)

- g. FY2012-2013 PZC/IWA Operating Budget**
Memo from Director of Planning and Development
- h. Draft Workplan for HUD Community Challenge Grant**
Memo from Director of Planning and Development
- i. Other**

7. Reports from Officers and Committees

- a. Chairman's Report**
- b. Regional Planning Commission**
- c. Regulatory Review Committee**
- d. Planning and Development Director's Report**
- e. Other**

8. Communications and Bills

- a. 4/11/12 ZBA Public Hearing Notice**
- b. Other**

9. Adjournment

DRAFT MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Monday, March 19, 2012
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask, K. Rawn, B. Ryan
Members absent: M. Beal
Alternates present: B. Chandy, S. Westa
Alternates absent: V. Ward
Staff Present: Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 7:03 p.m. and appointed alternate Westa to act in Beal's absence.

Holt MOVED, Ryan seconded, to add to the agenda under New Business: Discussion of the April 16, 2012 Planning and Zoning Commission Meeting. MOTION PASSED UNANIMOUSLY.

Minutes:

3-5-12 Minutes- Hall MOVED, Pociask seconded, to approve the 3/5/12 meeting minutes as written. MOTION PASSED with all in favor except Plante who disqualified himself.

Zoning Agents Report:

Hirsch stated that in reviewing the file on Paideia, he noted there are some activities allowed that are not subject to the Stop Work Order. One example is the installation of the marble seating. As for the Kueffner property, Hirsch said he and staff met with Phil Desiato and expect an application to be submitted soon.

Old Business:

a. **Special Permit Application, Cumberland Farms, 643 Middle Turnpike & 1660 Storrs Road, Cumberland Farms, Inc./applicant PZC File #1303-2**

After extensive discussion, Rawn MOVED, Holt seconded, to approve with conditions the Special Permit application (PZC File #1303-2) of Cumberland Farms, Inc. for the development of a ±3,634 square foot convenience store and gasoline filling station with four multi-product dispensers and canopy at 643 Middle Turnpike and 1660 Storrs Road. This approval is based on the project as described in the application, including a statement of use, 16-page plan set dated December 9, 2011 and revised through February 15, 2012; a traffic impact study dated December 9, 2011; a Stormwater Management Report dated December 9, 2011; a Sanitary Report dated December 9, 2011; and as presented at Public Hearings on February 6th and February 20th 2012. This approval is granted because the application as approved is considered to be in compliance with Article V, Section B and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

- 1) **Extent of Approval.** This approval is specifically tied to the applicant's submissions and the conditions cited in this motion. Unless modifications are specifically authorized, the proposed uses and site improvements shall be limited to those authorized by this approval. Any questions regarding authorized uses, required site improvements and conditions cited in this approval shall be reviewed with the Zoning Agent and Director of Planning and Development, and, as deemed necessary, the PZC.
- 2) **Waivers.** The following waivers to Four Corners Design Regulations are authorized as part of this approval:

- a) Article X, Section A.11.c which requires new buildings to be located immediately adjacent to streetscape areas
- b) Article X, Section A.11.d which requires parking and loading areas to be located to the rear or side of buildings and screened from adjacent roadways and walkways/bikeways.

These waivers have been approved due to the unique needs of the gasoline sales use, including clear visibility of the pump island/canopy to passing motorists and maneuvering requirements of fuel delivery trucks. As these specific criteria were designed to further enhance roadside aesthetics and pedestrian orientation, the overall design of the streetscape area and inclusion of pedestrian, bicycle and transit amenities are even more critical to minimize the impact of these waivers on the future build-out of this area. As such, specific revisions to the streetscape area and overall site design are required under condition (4) to enhance and reinforce the pedestrian, bicycle and transit orientation of both the site and Four Corners area.

- 3) **Setback/Buffer Reductions.** The following reductions to required setbacks and buffers are authorized as part of this approval:
 - a) A reduction in the 100 foot front yard setback along Routes 44 and 195 to 58.7 feet and 75.2 feet, respectively, in accordance with the provisions of Article X, Section A.4.
 - b) A reduction in the 50-foot landscape buffer required by Article VI, Section B.4.q.2 of the Zoning Regulations to allow the northeast edge of the Route 44 driveway to be located 41 feet from the adjacent property.
- 4) **Plan Revisions.** The plan set shall be revised as follows and submitted for approval by the Director of Planning and Development:
 - a) A modified bus pull-off pursuant to specifications provided by the Windham Regional Transit District and Public Works Director shall be added to the Route 195 frontage. The Town will assist the applicant in coordinating review of the bus pull-off by Connecticut DOT. Any changes to site access required by CTDOT to accommodate the bus pull-off shall be approved by the Director of Planning and Development and Public Works Director. If CTDOT prohibits a bus pull-off in this location, the applicant shall revise their plans to eliminate the pull-off and provide written documentation of such prohibition.
 - b) A bus shelter and connection to the sidewalk shall be added to the Route 195 frontage in conjunction with the bus pull-off. The bus shelter design shall be approved by WRTD and the Director of Planning and Development. If the bus pull-off is prohibited by CTDOT, the shelter shall not be required and plans shall be revised accordingly.
 - c) Street lights and landscaping shall be added along the sidewalk between the Route 195 driveway and the intersection with Route 320.
 - d) The area located between the rear of the building and the northeast property line shall be screened from view of the parking area and Route 44 through the use of landscaping and fencing.
 - e) Parking space 12 shall be removed and the adjacent landscape island expanded to include a concrete pad to accommodate relocation of the bicycle racks from the rear of the store to the front where they will be visible to store employees and patrons.
 - f) Evergreen trees shall be added along the northwest property line to screen the view of the gas station from the single-family home located on Route 320.
 - g) Detailed specifications for fences shall be added to the detail sheets. These specifications shall include height, material and design.
 - h) Erosion and Sedimentation Control plans shall be revised pursuant to recommendations from the Assistant Town Engineer regarding stock pile location, silt fences and catch basins.
- 5) **Underground Propane Tank.** The location of the proposed propane tank must be approved by the Fire Marshal and Eastern Highlands Health District prior to issuance of a Zoning Permit.

- 6) **Signs.** The applicant shall submit detailed sign plans including location, dimensions, materials and lighting for Commission approval. Use of monument signs to reinforce pedestrian orientation is strongly encouraged.
- 7) **Sale of Gasoline.** The Zoning Agent is hereby authorized to sign a Certificate of Approval for the location of the sale of gasoline pursuant to Section 14-321 of Connecticut General Statutes.
- 8) **Voidance of Previous Approvals.** The Special Permit approved by the Commission on November 19, 1990 for Republic Oil (File #1026) and all subsequent actions related to that special permit shall become null and void upon the filing of the special permit on the Land Records.
- 9) **Validity.** This permit shall not become valid until the applicant obtains the special permit form from the Planning Office and files it on the Land Records.

MOTION PASSED with all in favor except Hall who was opposed and Westa disqualified herself.

- b. **Proposed Revisions to the Pleasant Valley Residence/Agriculture (PVRA), Pleasant Valley Commercial/Agriculture (PVCA) Regulations and Research and Development/Limited Industrial Zone, (PZC File #907-37)**
Item tabled pending a Public Hearing scheduled for May 7, 2012.

New Business:

- a. **Regulatory Review Committee Recommended Revisions to Zoning Regulations**
Linda Painter, Director of Planning and Development, reviewed the miscellaneous revisions to the Zoning Regulations based on a list compiled by the Zoning Agent. After receiving comments from the full Commission, Painter agreed to incorporate the changes identified this evening and prepare a revised draft for a future meeting.
- b. **Proposed Revisions to Zoning Subdivision Regulations Regarding Bonding**
Linda Painter, Director of Planning and Development, reported that we need to update our bonding regulations because recently the State Statutes have changed. She presented examples of what other Connecticut towns are considering or have adopted. She will be attending a seminar on bonding, hosted by the Fairfield Bar Association featuring Attorney Branse, and will report back at our next meeting.
- c. **8-24 Referral- Agricultural Lease Extensions**
Hall MOVED, Ryan seconded, that the PZC report to the Town Council that the proposed lease extensions are consistent with Mansfield's Plan of Conservation and Development and recommend that the extensions be approved to facilitate active cultivation of town-owned agricultural property until a revised lease policy is finalized and new leases are put forward for approval. MOTION PASSED UNANIMOUSLY.
- d. **April 16, 2012 Planning and Zoning Commission Meeting**
Plante MOVED, Holt seconded, to cancel the April 16, 2012 meeting of Planning and Zoning Commission. MOTION PASSED UNANIMOUSLY.

Reports from Officers and Committees:

It was noted that the next Regulatory Review Committee meeting will be on Wednesday, March 28th at 1:15 p.m. in Conference Room C.

Communications and Bills: Noted.

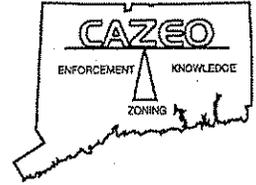
Adjournment: The meeting was adjourned at 8:55 p.m. by the chairman.

Respectfully submitted,
Katherine Holt, Secretary

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Town of Mansfield



CURT B. HIRSCH
ZONING AGENT
HIRSCHCB@MANSFIELDCT.ORG

AUDREY P. BECK BUILDING
4 SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3341

Memo to: Planning and Zoning Commission
From: Curt Hirsch, Zoning Agent
Date: March 30, 2012

MONTHLY ACTIVITY for March, 2012

ZONING PERMITS

<u>Name</u>	<u>Address</u>	<u>Purpose</u>
Stokland	135 Mansfield Hollow RD.	deck & shed
Dittrich	53 Higgins Hwy.	animal shelter
Farmer's Cow Calfe	86 Storrs Rd.	retail food service

CERTIFICATES OF COMPLIANCE

Husky Greek Shop	1650 Storrs Rd.	retail store
Zhang & Huang	135 Davis Rd.	enlarge & enclose deck
Bartok	289 Stafford Rd.	garage addition
Kaleidoscope Journey's	1733 Storrs Rd.	travel agency
Sniffin	90 Wildwood Rd.	outdoor wood furnace

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TOWN OF MANSFIELD
DEPARTMENT OF PLANNING AND DEVELOPMENT

LINDA M. PAINTER, AICP, DIRECTOR

Memo to: Planning and Zoning Commission
From: Linda M. Painter, AICP, Director of Planning and Development *LMP*
Date: March 29, 2012
Subject: Proposed Revisions to Bonding Regulations

On March 20, 2012, I attended a seminar on the new bonding provisions enacted through Public Act 11-79. Materials provided at the seminar are attached for your review, and include:

- Overview of the changes enacted through Public Act 11-79
- Suggestions on how to amend regulations to respond to the Act
- A copy of Bill 5320 from the current legislative session, which would remove the requirement that communities accept surety bonds, allow for a one year maintenance bond, and require that building permits be issued in approved subdivisions (including those that have only received conditional, not final approval).
- Position statement from the Connecticut Chapter of the American Planning Association on the proposed changes

In addition, the sponsors of the seminar also provided several samples of regulation amendments from communities across the state. Due to the volume of material, these samples were not attached to this memo. They can be made available as a pdf for anyone who is interested.

I will provide an overview of the session at the April 2, 2012 meeting.

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FAIRFIELD COUNTY BAR ASSOCIATION

970 Summer Street – Stamford, CT – 203-327-7041

MARCH 20, 2012

EVERYTHING YOU NEED TO KNOW ABOUT THE
NEW BONDING REQUIREMENTS FOR
SUBDIVISION AND SITE PLAN APPROVALS
CREATED BY PUBLIC ACT 11-79 (EFFECTIVE OCT 1, 2011)

PRESENTED BY:

Mario F. Coppola, Esq.
Berchem, Moses & Devlin, PC

Mark Branse, Esq.
Branse, Willis & Knapp, LLC

Christopher Wood, AICP
Wood Planning Associates

Mario F. Coppola, Esq. - Berchem, Moses & Devlin, P.C.

Mario F. Coppola is a partner of the firm and he practices in the areas of municipal law, land use and zoning, property tax assessment appeals, real estate transactions and general civil litigation.

Mario is a member of the American (ABA), Connecticut (CBA) and Fairfield County Bar Associations (FCBA). Mario currently serves as Co-Chair of the FCBA's Land Use and Municipal Law Sections and Secretary of the CBA's Planning and Zoning Section. Mr. Coppola has been appointed to the Executive Committees of the CBA's Planning and Zoning Section and the CBA's Municipal Law and Government Services Section. Mr. Coppola has served as Co-Chair of the Real Property and Zoning Committee of the CBA's Young Lawyer's Section.

In 2009, Mario was appointed as a Town Attorney for the Town of Trumbull. Mario also regularly provides legal representation and services to other municipalities, such as the Towns of Westport, Madison and Easton.

Mario was selected by New England Super Lawyers Magazine and Connecticut Magazine for inclusion on the 2010-2011 and 2011-2012 New England Rising Stars and Connecticut Rising Stars 2011 and 2012 lists for his work in the area of land use and zoning. These lists feature outstanding young lawyers throughout Connecticut and New England.

Mario is also active in the community. He has served as Chairman of the Board of Directors and President of the Greater New Haven Columbus Day Committee and as a member of the Walter Camp Football Foundation Board of Governors. He has served on the West Haven Zoning Board of Appeals.

Mario received his Bachelors Degree in Political Science from Boston College (B.A., 2001), where he was inducted into the Golden Key National Honor Society. Mario earned his Juris Doctor Degree at the University of Connecticut School of Law (J.D., 2004), where he was the 2003 National Italian Bar Association Scholarship winner and a Pudlin Scholar. He is admitted to practice in the State of Connecticut and United States District Court.

MARK K. BRANSE, ESQ. – BRANSE, WILLIS & KNAPP, LLC

Attorney at Law, Branse, Willis & Knapp LLC

Mark K. Branse is an Attorney practicing law in Glastonbury.

Mr. Branse is a former Planning Director holding a Masters Degree in government from the Fels Institute of Local and State Government, Wharton Graduate School, University of Pennsylvania. He is also a former member of the Glastonbury Town Plan and Zoning Commission and a former member of the Glastonbury Redevelopment Agency.

Mr. Branse provides, or has provided, representation and/or legal consultation to land use agencies in more than two dozen municipalities and has represented applicants and neighborhood associations in more than 70 towns. He is currently Town Attorney of Griswold and Scotland, as well as Special Land Use or Planning Counsel of Barkhamsted, Bridgewater, Canterbury, Eastford, East Haddam, Haddam, Marlborough, Middlefield, New Hartford, Old Lyme, Old Saybrook, Sherman, Westbrook and Willington.

Mr. Branse is a past Chairman and Secretary of the Planning & Zoning Section of the Connecticut Bar Association and is a current member of the Executive Committee. He has conducted seminars under the auspices of the Connecticut Bar Association, the Connecticut Chapter of the American Planning Association, the Connecticut Association of Conservation and Inland Wetlands Commissions, the Connecticut Association of Wetland Scientists, the Southeastern Connecticut Council of Governments, the Windham Council of Governments, the Council of Governments of Central Naugatuck Valley, the Connecticut Association of Zoning Enforcement Officers, and the Land Use Education Partnership, among others. He is a member of the Advisory Committee of the Land Use Academy.

Christopher S. Wood, MS, AICP

Christopher S. Wood has over 30 years experience in land use regulation, land use and economic planning, and municipal planning. He holds a master's degree in science and is certified by the American Institute of Certified Planners.



Wood served as Town Planner for the Town of Woodbury, Connecticut for seven years and now, as the principal of Wood Planning Associates, LLC, provides planning consultant services to towns, businesses, and organizations in Connecticut. He is currently Planning Director for the newly established Northwest Connecticut Regional Planning Collaborative, serving eight small communities in northwestern Connecticut. He is also providing planning and land use regulations support to several Connecticut towns as well as private interests.

Before becoming a municipal planner, Wood was Executive Director of the Connecticut Department of Public Utility Control and Executive Director of the Connecticut Siting Council and he served on the Connecticut Energy Advisory Board for twelve years. He has also worked as a land use manager and conservation planner for The Nature Conservancy.

Wood has served on the Town of Woodbury Inland Wetlands and Watercourses Agency and the Woodbury Zoning Board of Appeals. He is currently a member of the Pomperaug River Watershed Coalition Board of Directors.

Wood has chaired the Government Relations Committee of the Connecticut Chapter of the American Planning Association for eight years and manages the Chapter's legislative program.

I. SUMMARY OF PUBLIC ACT 11-79

A. Full Copy of P.A. 11-79 is attached hereto as Exhibit 1.

B. Effective Date: October 1, 2011.

C. P.A. 11-79 has amended:

1. C.G.S. § 8-3(g) – deals with site improvement performance guarantee process for site plans.
2. C.G.S. § 8-25 – deals with subdivisions.

D. Contingency limits on site plan approvals

1. Applies to site plan approvals only and not subdivision approvals.
2. Bond or surety shall not exceed more than 110% of the estimated costs, which effectively results in the contingency being limited to 10%.

E. Commission must allow surety bonds

1. "To satisfy any bond or surety requirement, the commission must accept surety bonds, cash bonds, passbook or statement savings accounts and other surety including, but not limited to letters of credit..."
2. Surety bonds are an insurance policy issued by a third-party surety bond company.

F. However, the bond or surety must be acceptable to Commission

1. It requires that the bond or surety be in a form that is acceptable to the commission.
2. It is not clear what "Form" means (i.e., the text of the bonding instrument or something else?).
3. While the commission cannot categorically refuse certain types of bonds such as surety bonds, the law does allow the commission to review each offered bond or surety and reject the offered instrument if the commission determines that it is unacceptable.
4. It is unclear if the rejection can be on a case by case, *ad hoc*, basis or if the commission must adopt regulations setting forth required performance criteria for bonds.

G. Request to release bond - Once the applicant requests that the bond or surety be released, within sixty-five (65) days of receiving the request the commission must:

1. Release the bond or surety if it is reasonably satisfied that the improvements have been completed; or
2. Provide the developer with a written explanation as to what additional work must be completed before the bond or surety is released.

H. Posting bond or surety in phases for any approval for development in phases

I. Long-term maintenance bonds prohibited

1. "No commission shall require a bond or surety to securitize the maintenance of roads, streets or other improvements associated with such subdivision for maintenance occurring after such improvements have been accepted by the municipality."
2. While this language was apparently intended to prohibit what would otherwise amount to a perpetual endowment for new public roads, the text would also prohibit the common practice of requiring one-year maintenance bonds intended to protect against defects in materials or workmanship that may not be immediately detectable.

J. Timing

1. Applicant can post the bond or surety at any time prior to the improvements being completed.
2. However, a commission may require a bond or surety for erosion controls prior to the commencement of any work for either a site plan or subdivision approval.
3. In a subdivision lots cannot be sold until after the bond is posted which makes all subdivision approvals akin to what we now call conditional subdivision approvals.

II. PROBLEMS CREATED BY P.A. 11-79

A. Increased risk to municipality - not having sufficient funds to complete or remediate public improvements in the event of a developer's default.

1. A developer's failure to complete amenities that were part of the site plan approval will result in incomplete and unattractive developments.
2. Tenants of a commercial property may not see the landscaping and other improvements that were required by the approval, and will only be left with the options of suing the landlord or withholding rent.
3. Once a subdivision is endorsed and filed, the general public can purchase lots and are led to believe, by virtue of the subdivision approval, that the town will assure them of safe access via public roads, control of erosion, walking trails, or whatever other improvements were shown on the subdivision plan. Where the original subdivider is bankrupt or insolvent, those lot owners have no recourse except against the town.
4. While the Act allows towns to require bonds prior to the sale of lots, a surety bond is almost always difficult to collect and the bonds typically require the town to complete the improvements before the bond proceeds will be released.
5. The "punch list" requirement upon request for a release of bond means that the town's inspector must be rigorously inspecting all work and keeping good records of defects or incomplete items for various reasons.

- a. For example, an item left off of the punch list may be difficult to add on later.
 - b. For example, there could be inclement weather (i.e., snow/ice covering ground) during the entire 65 day period so that it is impossible to make a proper inspection within 65 days of the applicant's request.
- B. Town could be responsible for future road defects in a subdivision** – Many towns that require maintenance bonds following acceptance of a new subdivision (typically for one year) in order to require repair of defects that may not be detectable until the passage of the seasons will no longer be able to require a maintenance bond once the subdivision is accepted.
- C. Surety Bonds** are quite often difficult to collect and may require suing the surety bond company, which is not desirable for the municipality.
- 1. The insurance premium is a lot less than the amount owed in the event of a default.
 - 2. Therefore, when there is a default the insurance company has a strong incentive to delay (keeping the interest on the money while they stall) or to raise all kinds of defenses to payment in the hope of coercing the Town into a compromise that involves a lower payout.
 - 3. For these reasons, surety bonds end up being difficult to collect, especially for small sums of money.
 - 4. As noted above, most bonds will only reimburse for work performed by the town this may cause problems for the following reasons:
 - a. town does not have enough funds in the budget to perform the necessary work;
 - b. bond amount may not be adequate;
 - c. bond amount assumes *incomplete* work, where in fact, the work may have been performed poorly so that the cost of redoing the work ends up being higher than what it would have cost to do the work correctly the first time; and
 - d. town must expend the money to complete the work and will *still* face the probability of delay in reimbursement.

III. COMMISSIONS' OPTIONS TO RESPOND TO P.A. 11-79

- A. Amend the subdivision regulations to eliminate any provision for bonding of subdivision improvements and use condition approvals.**
- 1. While P.A. 11-79 requires the forms of bonds that must be accepted, it still makes the requirement of bonding itself merely the town's option.
 - 2. Only give conditional approvals which still allows a subdivision to be approved and filed without bonds, but prohibits the sale of lots until public improvements are completed.

- B. For those commissions who do not want to eliminate provisions for bonding of subdivision improvements, **the regulations could be amended to incorporate the language that the *form of the bond and the issuer of the bond must be acceptable to the commission.***
1. The bond form should mandate a deadline by which funds must be paid following a call on the bond, with a penalty for delay;
 2. The bond form should require the payment of attorney's fees and costs to the town in the event that litigation is required to collect on the bond.
 3. Include a requirement that the *issuer* of the bond or surety maintains an office in Connecticut so you do not need to pursue litigation against an out-of-state insurance company.
- C. **Amend the subdivision and zoning regulations to provide that any bonds must be based on the cost of the work *if performed by the town.***
1. It should include the cost of advertising for bid, bid evaluation, and oversight by a town inspector.
 2. Make sure that the town engineer is aware of this important distinction.
- D. **Amend the subdivision and zoning regulations to provide that no extensions of approvals may be granted until updated costs estimates for improvements are provided and approved by the town staff, and until new bonds are submitted in new amounts. These amendments will help to make sure that the town does not underestimate the bond amount because of the 10% cap on contingency bonding.**
- E. **Increase zoning application fees in order to allow a factor for legal fees that might need to be paid in order to pursue litigation against a surety bond company for unpaid site plan or subdivision approvals.**
- F. **Increase zoning and subdivision application fees in order to incorporate the cost of expanded inspections due to the 10% cap on contingency bonding, the elimination of maintenance bonds, and the requirement to respond to bond release requests within 65 days.**
- G. **If the zoning regulations provide for bonding of site plans then, if necessary, those provisions must be amended to incorporate the requirement that surety bonds be accepted.**
- H. **Town should keep a list of any financial institutions that have failed to promptly honor their bond obligations and refuse to accept bonds from those institutions.**
- I. **Towns should not accept roads unless and until they are in full compliance with the local road specifications because any defects that are discovered after the road acceptance will not be secured by a bond.**

IV. SAMPLE REGULATIONS AMENDED IN RESPONSE TO P.A. 11-79

- A. Westbrook Subdivision Regulations (Exhibit 2)**
- B. Montville Subdivision Regulations (Exhibit 3)**
- C. Montville Zoning Regulations (Exhibit 4)**
- D. Ellington Subdivision Regulations (Exhibit 5)**
- E. Ellington Zoning Regulations (Exhibit 6)**
- F. Weston Subdivision Regulations (Exhibit 7)**

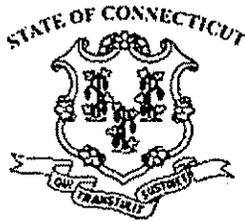
V. HOW HAVE PLANNERS AND DEVELOPERS RESPONDED TO P.A. 11-79

- A. Some municipalities have revised procedures and regulations as described in Section III above; other municipalities have decided to wait and see if the legislature makes further changes.**
- B. A few municipalities have imposed a moratorium on subdivisions in order to develop regulations which address P.A. 11-79.**
- C. Planners, land use attorneys, municipal interests and developers have held discussions to identify possible repairs to the statutory uncertainty created by P.A. 11-79.**
- D. HBA provided draft language which is under consideration by the Planning and Development Committee.**
- E. CCAPA supported part of the HBA language, opposed other provisions, and pointed out increased risks to municipalities by the discretionary bonding provisions of P.A. 11-79.**

VI. LEGISLATIVE SOLUTIONS

- A. Legislative Process Leading To Passage of P.A. 11-79**
- B. Raised Bill No. 5320 (Exhibit 8)**
- C. CCPA Position Statement on HB 5320 (Exhibit 9).**
- D. Other Potential Legislative Solutions**

EXHIBIT 1



General Assembly

Raised Bill No. 5320

February Session, 2012

LCO No. 1025

01025_____PD_

Referred to Committee on Planning and Development

Introduced by:

(PD)

AN ACT CONCERNING BONDS AND OTHER SURETY FOR APPROVED SITE PLANS AND SUBDIVISIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (g) of section 8-3 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(g) (1) The zoning regulations may require that a site plan be filed with the commission or other municipal agency or official to aid in determining the conformity of a proposed building, use or structure with specific provisions of such regulations. If a site plan application involves an activity regulated pursuant to sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the agency responsible for administration of the inland wetlands regulations not later than the day such application is filed with the zoning commission. The commission shall, within the period of time established in section 8-7d, accept the filing of and shall process, pursuant to section 8-7d, any site plan application involving land regulated as an inland wetland or watercourse under chapter 440. The decision of the zoning commission shall not be rendered on the site plan application until the inland wetlands agency has submitted a report with its final decision. In making its decision, the commission shall give due consideration to the report of

the inland wetlands agency and if the commission establishes terms and conditions for approval that are not consistent with the final decision of the inland wetlands agency, the commission shall state on the record the reason for such terms and conditions. A site plan may be modified or denied only if it fails to comply with requirements already set forth in the zoning or inland wetlands regulations. Approval of a site plan shall be presumed unless a decision to deny or modify it is rendered within the period specified in section 8-7d. A certificate of approval of any plan for which the period for approval has expired and on which no action has been taken shall be sent to the applicant within fifteen days of the date on which the period for approval has expired. A decision to deny or modify a site plan shall set forth the reasons for such denial or modification. A copy of any decision shall be sent by certified mail to the person who submitted such plan within fifteen days after such decision is rendered. The zoning commission may, as a condition of approval of [any] a site plan or modified site plan, require a [bond in an amount not to exceed the cost to perform any modifications required by such modified site plan plus an additional amount of up to ten per cent of the amount of the bond and with surety and conditions satisfactory to it, securing that any modifications of such site plan are made or may grant an extension of the time to complete work in connection with such modified site plan] financial guarantee in the form of a bond, a bond with surety or similar instrument to ensure (A) the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality, and (B) the implementation of any erosion and sediment controls required during construction activities. The amount of such financial guarantee shall be calculated so as not to exceed the anticipated actual costs for the completion of such site improvements or the implementation of such erosion and sediment controls plus a contingency amount not to exceed ten per cent of such costs. At any time, the commission may grant an extension of time to complete any site improvements that will be conveyed to or controlled by the municipality. The commission shall publish notice of the approval or denial of site plans in a newspaper having a general circulation in the municipality. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten days thereafter. The provisions of this subsection shall apply to all zoning commissions or other final zoning authority of each municipality whether or not such municipality has adopted the provisions of this chapter or the charter of such municipality or special act establishing zoning in the municipality contains similar provisions.

(2) To satisfy any [bond or surety] financial guarantee requirement, the commission [shall] may accept surety bonds [,] and shall accept cash bonds, passbook or statement savings accounts and other [surety] financial guarantees other than surety bonds including, but not limited to, letters of credit, provided such [bond or surety] other financial guarantee is in a form acceptable to the commission and the financial institution or other entity issuing any letter of credit is acceptable to the commission. Such [bond or surety] financial guarantee may, at the discretion of the person posting such [bond or surety] financial guarantee, be posted at any time before all [modifications of the site plan] approved site improvements are [complete] completed, except that the commission may require a [bond or surety] financial guarantee for erosion [control] and sediment controls prior to the commencement of any such [modifications] site improvements. No certificate of occupancy shall be issued before a required [bond or surety] financial guarantee is posted or the approved site improvements

are completed to the reasonable satisfaction of the commission or its agent. For any site plan that is approved for development in phases, the [surety] financial guarantee provisions of this section shall apply as if each phase was approved as a separate site plan.

Notwithstanding the provisions of any special act, municipal charter or ordinance, no commission shall require a [bond or other surety to securitize] financial guarantee or payment to finance the maintenance of roads, streets or other improvements associated with such site plan for [maintenance occurring] more than one year after the date on which such improvements have been completed to the reasonable satisfaction of the commission or its agent or accepted by the municipality.

(3) If the person posting a [bond or surety] financial guarantee under this section requests a release of all or a portion of such [bond or surety] financial guarantee, the commission or its agent shall, not later than sixty-five days after receiving such request, (A) release or authorize the release of any such [bond or surety] financial guarantee or portion thereof, provided the commission or its agent is reasonably satisfied that the [modifications] site improvements for which such [bond or surety] financial guarantee or portion thereof was posted have been completed, or (B) provide the person posting such [bond or surety] financial guarantee with a written explanation as to the additional [modifications] site improvements that must be completed before such [bond or surety] financial guarantee or portion thereof may be released.

Sec. 2. Section 8-25 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) No subdivision of land shall be made until a plan for such subdivision has been approved by the commission. Any person, firm or corporation making any subdivision of land without the approval of the commission shall be fined not more than five hundred dollars for each lot sold or offered for sale or so subdivided. Any plan for subdivision shall, upon approval, or when taken as approved by reason of the failure of the commission to act, be filed or recorded by the applicant in the office of the town clerk not later than ninety days after the expiration of the appeal period under section 8-8, or in the case of an appeal, not later than ninety days after the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant but, if it is a plan for subdivision wholly or partially within a district, it shall be filed in the offices of both the district clerk and the town clerk, and any plan not so filed or recorded within the prescribed time shall become null and void, except that the commission may extend the time for such filing for two additional periods of ninety days and the plan shall remain valid until the expiration of such extended time. All such plans shall be delivered to the applicant for filing or recording not more than thirty days after the time for taking an appeal from the action of the commission has elapsed or not more than thirty days after the date that plans modified in accordance with the commission's approval and that comply with section 7-31 are delivered to the commission, whichever is later, and in the event of an appeal, not more than thirty days after the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant or not more than thirty days after the date that plans modified in accordance with the commission's approval and that comply with section 7-31 are delivered to the commission, whichever is later. No such plan shall be recorded or filed by the town clerk or district clerk

or other officer authorized to record or file plans until its approval has been endorsed thereon by the chairman or secretary of the commission, and the filing or recording of a subdivision plan without such approval shall be void. Before exercising the powers granted in this section, the commission shall adopt regulations covering the subdivision of land. No such regulations shall become effective until after a public hearing held in accordance with the provisions of section 8-7d. Such regulations shall provide that the land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety, that proper provision shall be made for water, sewerage and drainage, including the upgrading of any downstream ditch, culvert or other drainage structure which, through the introduction of additional drainage due to such subdivision, becomes undersized and creates the potential for flooding on a state highway, and, in areas contiguous to brooks, rivers or other bodies of water subject to flooding, including tidal flooding, that proper provision shall be made for protective flood control measures and that the proposed streets are in harmony with existing or proposed principal thoroughfares shown in the plan of conservation and development as described in section 8-23, especially in regard to safe intersections with such thoroughfares, and so arranged and of such width, as to provide an adequate and convenient system for present and prospective traffic needs. Such regulations shall also provide that the commission may require the provision of open spaces, parks and playgrounds when, and in places, deemed proper by the planning commission, which open spaces, parks and playgrounds shall be shown on the subdivision plan. Such regulations may, with the approval of the commission, authorize the applicant to pay a fee to the municipality or pay a fee to the municipality and transfer land to the municipality in lieu of any requirement to provide open spaces. Such payment or combination of payment and the fair market value of land transferred shall be equal to not more than ten per cent of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the commission and the applicant. A fraction of such payment the numerator of which is one and the denominator of which is the number of approved parcels in the subdivision shall be made at the time of the sale of each approved parcel of land in the subdivision and placed in a fund in accordance with the provisions of section 8-25b. The open space requirements of this section shall not apply if the transfer of all land in a subdivision of less than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration, or if the subdivision is to contain affordable housing, as defined in section 8-39a, equal to twenty per cent or more of the total housing to be constructed in such subdivision. Such regulations, on and after July 1, 1985, shall provide that proper provision be made for soil erosion and sediment control pursuant to section 22a-329. Such regulations shall not impose conditions and requirements on manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards or on lots containing such manufactured homes which are substantially different from conditions and requirements imposed on single-family dwellings and lots containing single-family dwellings. Such regulations shall not impose conditions and requirements on developments to be occupied by manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards which are substantially different from conditions and

requirements imposed on multifamily dwellings, lots containing multifamily dwellings, cluster developments or planned unit developments. The commission may also prescribe the extent to which and the manner in which streets shall be graded and improved and public utilities and services provided and, in lieu of the completion of such work and installations previous to the final approval of a plan, the commission may accept a [bond] financial guarantee of such work and installations in an amount and with surety and conditions satisfactory to it securing to the municipality the actual construction, maintenance and installation of such public improvements and utilities within a period specified in the [bond] financial guarantee. Such regulations may provide, in lieu of the completion of the work and installations above referred to, previous to the final approval of a plan, for an assessment or other method whereby the municipality is put in an assured position to do such work and make such installations at the expense of the owners of the property within the subdivision. Such regulations may provide that in lieu of either the completion of the work or the furnishing of a [bond or other surety] financial guarantee as provided in this section, the commission may authorize the filing of a plan with a conditional approval endorsed thereon. Such approval shall be conditioned on (1) the actual construction, maintenance and installation of any improvements or utilities prescribed by the commission, or (2) the provision of a [bond or other surety] financial guarantee as provided in this section. Upon the occurrence of either of such events, the commission shall cause a final approval to be endorsed thereon in the manner provided by this section. Any such conditional approval shall lapse five years from the date it is granted, provided the applicant may apply for and the commission may, in its discretion, grant a renewal of such conditional approval for an additional period of five years at the end of any five-year period, except that the commission may, by regulation, provide for a shorter period of conditional approval or renewal of such approval. Any person who enters into a contract for the purchase of any lot subdivided pursuant to a conditional approval may rescind such contract by delivering a written notice of rescission to the seller not later than three days after receipt of written notice of final approval if such final approval has additional amendments or any conditions that were not included in the conditional approval and are unacceptable to the buyer. Any person, firm or corporation who, prior to such final approval, transfers title to any lot subdivided pursuant to a conditional approval shall be fined not more than one thousand dollars for each lot transferred. Nothing in this subsection shall be construed to authorize the marketing of any lot prior to the granting of conditional approval or renewal of such conditional approval.

(b) The regulations adopted under subsection (a) of this section shall also encourage energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, and energy conservation. The regulations shall require any person submitting a plan for a subdivision to the commission under subsection (a) of this section to demonstrate to the commission that such person has considered, in developing the plan, using passive solar energy techniques which would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions. As used in this subsection and section 8-2, "passive solar energy techniques" means site design techniques which maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season. The site design techniques shall include, but not be limited to: (1) House orientation;

(2) street and lot layout; (3) vegetation; (4) natural and man-made topographical features; and (5) protection of solar access within the development.

(c) The regulations adopted under subsection (a) of this section, may, to the extent consistent with soil types, terrain, infrastructure capacity and the plan of development for the community, provide for cluster development, and may provide for incentives for cluster development such as density bonuses, or may require cluster development.

(d) (1) To satisfy any [bond or surety] financial guarantee requirement in this section, the commission [shall] may accept surety bonds [,] and shall accept cash bonds, passbook or statement savings accounts and other [surety] financial guarantees other than surety bonds including, but not limited to, letters of credit, provided such [bond or surety] financial guarantee is in a form acceptable to the commission and the financial institution or other entity issuing any letter of credit is acceptable to the commission. Such [bond or surety] financial guarantee may, at the discretion of the person posting such [bond or surety] financial guarantee, be posted at any time before all approved public improvements and utilities are [constructed and installed] completed, except that the commission may require a [bond or surety] financial guarantee for erosion [control] and sediment controls prior to the commencement of any [such construction or installation] improvements. No lot shall be transferred to a buyer before any required [bond or surety] financial guarantee is posted or before the approved public improvements and utilities are completed to the reasonable satisfaction of the commission or its agent. For any subdivision that is approved for development in phases, the [surety] financial guarantee provisions of this section shall apply as if each phase was approved as a separate subdivision. Notwithstanding the provisions of any special act, municipal charter or ordinance, no commission shall require a [bond or surety to securitize] financial guarantee or payment to finance the maintenance of roads, streets or other improvements associated with such subdivision for [maintenance occurring] more than one year after the date on which such improvements have been completed to the reasonable satisfaction of the commission or its agent or accepted by the municipality.

(2) If the person posting a [bond or surety] financial guarantee under this section requests a release of all or a portion of such [bond or surety] financial guarantee, the commission or its agent shall, not later than sixty-five days after receiving such request, (A) release or authorize the release of any such [bond or surety] financial guarantee or portion thereof, provided the commission or its agent is reasonably satisfied that the [modifications] improvements for which such [bond or surety] financial guarantee or portion thereof was posted have been completed, or (B) provide the person posting such [bond or surety] financial guarantee with a written explanation as to the additional [modifications] improvements that must be completed before such [bond or surety] financial guarantee or portion thereof may be released.

Sec. 3. Section 8-27 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any municipality having a planning commission may, by ordinance, prohibit or regulate the issuance of building permits for the erection of buildings or structures on lots abutting

unaccepted highways or streets. No such ordinance shall prevent the issuance of a building permit for the construction of (1) farm or accessory buildings which are not in violation of any lawful zoning or building regulations of the municipality, or (2) any building or structure on a site plan approved pursuant to subsection (g) of section 8-3, as amended by this act, or in a subdivision approved pursuant to section 8-25, as amended by this act. Any building erected in violation of any such ordinance shall be deemed an unlawful structure, and the municipality through the appropriate officer may bring action to enjoin the erection of such structure or cause it to be vacated or removed. Any person, firm or corporation erecting a building or structure in violation of any such ordinance may be fined not more than two hundred dollars for each building or structure so erected in addition to the relief herein otherwise granted to the municipality.

3*

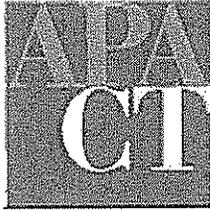
This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	8-3(g)
Sec. 2	October 1, 2012	8-25
Sec. 3	October 1, 2012	8-27

Statement of Purpose:

To amend requirements concerning the posting of bonds and other surety for the completion of public improvements on approved site plans and subdivisions, and to prohibit municipalities from regulating the issuance of building permits for structures built pursuant to an approved site plan or subdivision and located on a lot abutting an unaccepted highway or street.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

EXHIBIT 9



Making Great Communities Happen

Connecticut Chapter of the American Planning Association Government Relations Committee

Chair: Christopher S. Wood, AICP Phone: 203 558-0654 govrel@ccapa.org www.ccapa.org

POSITION STATEMENT PLANNING AND DEVELOPMENT COMMITTEE – MARCH 2, 2012

BILL: HB 5320 – Act Concerning Bonds and Other Surety for Approved Site Plans and Subdivisions

OVERVIEW

This bill has been raised in response to concerns that the revisions to bonding authority and procedures, instituted by PA 11-79, have created uncertainty for land use regulators and developers seeking local site plan or subdivision approvals. CCAPA supports efforts to clarify the bonding provisions that apply to site plan and subdivision approval, so long as such clarifications retain the protections that the statutes have historically provided to towns and property purchasers. Specifically, CCAPA believes that the provisions in PA 11-79 allowing a developer or subdivider to determine when or if to file a performance bond to provide financial assurance to a town for the completion of required public improvements must be removed.

As CCAPA commented during the legislature's consideration of SB 860 in the 2011 session, "changes to accepted and effective growth management practices must be evaluated deliberately and with direct input from the municipal officials and professionals who are responsible for economic development, land use and municipal planning, and municipal finances." In our view, this principle was not applied to SB 860 in 2011 and as a result the legislation did not achieve its apparent goal of improving the land use approval process.

We appreciate the opportunity to assist the Committee with its consideration of this matter, and we are available to provide any further assistance necessary.

CCAPA POSITION

- CCAPA recommends that the Committee accept the changes in HB 5320 that a) clarify terminology; b) remove the mandatory acceptance of surety bonds as a form of financial security for site improvements; and c) allow a maintenance bond for a period of up to one year following acceptance of site improvements.
- CCAPA strongly recommends that the bonding authorization statutes specify that bond amount calculations may include an inflation factor in addition to a "contingency" factor.
- CCAPA strongly recommends that this bill be revised to remove the provisions in PA 11-79 that prohibit towns from requiring a bond ("financial security") for site improvements that are to be accepted by the town as a condition of approval for site plans and subdivisions.

- CCAPA does not support the proposed revision to §8-27 without further analysis of the issue to identify exactly what problem the change would address, what the actual impact of the change would be, and what alternatives may be available.
- The effective date of this bill should be as soon as possible or even retroactive to the effective date of PA 11-79.

ANALYSIS

As the Committee may be aware, considerable attention has been given to the uncertainty created by PA 11-79, in the form of workshops and discussions involving all affected interests. It appears that the proposed revisions in HB 5320 are intended to reflect, in part, those discussions.

The proposed language in HB 5320, applying to both site plan and subdivision approvals, includes revised terminology that removes confusion over the terms "bond", "surety", "site plan", and "improvements". These are useful and effective changes.

The proposed language retains the provision in PA 11-79 that a "contingency amount" as part of a financial guarantee calculation cannot exceed ten percent. However, neither the PA 11-79 language nor the proposed revisions clarify whether this "contingency" includes an inflation factor. This omission should be addressed.

The proposed revisions in HB 5320 remove the requirement in PA 11-79 that towns must accept surety bonds if proposed as a form of financial guarantee. The revisions also provide that towns may require a one year maintenance bond to ensure satisfactory installation and performance and interim maintenance subsequent to acceptance of public improvements by the town, which was prohibited by the provisions of PA 11-79. These are appropriate changes.

The proposed revision includes an unrelated amendment to §8-27 that would prohibit towns from denying a building permit for construction on unaccepted streets if part of an approved site plan or subdivision. Such a change requires further analysis to avoid creating the same problems that arose due to the incomplete consideration of the original language in PA 11-79.

The proposed revisions in HB 5320 do not change the provisions in PA 11-79 that prevent towns from requiring the filing of a bond ("financial guarantee") to secure the development of "site improvements" prior to the issuance of a Certificate of Occupancy or the sale of a building lot (site plan and subdivision, respectively). This restriction creates significant financial and physical risk for Connecticut municipalities and must be addressed.

Based on replies to a request to our membership, many towns have experienced abandonment or failure to complete approved projects (29 out of 47 replies to date), often leaving the town with construction and maintenance responsibilities. While some of these projects were, in fact, bonded, such situations are not uncommon and bonding protections may not be available under the discretionary bonding provisions of PA 11-79. Construction of buildings on uncompleted and unaccepted roads aggravates the degree of risk to municipalities when projects are not completed by developers.

In response to the uncertainty and risks created by PA 11-79, many towns have revised or are revising land use regulations, in some cases to allow only conditional approvals.

We will provide updated results of our survey to the Committee as they become available.

Finally, we note that many municipalities are considering regulations changes to address PA 11-79 and it is likely that many developers are delaying decisions on projects pending the resolution of the uncertainty created by PA 11-79. For these reasons, the effective date of this bill should be as soon as possible or even retroactive to the effective date of PA 11-79.

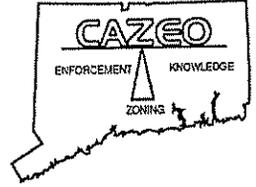
FISCAL IMPACT

The provisions of this bill should not be expected to have any fiscal impact on municipalities. However, the failure of this bill, and its predecessor bill PA 11-79, to recognize the fiscal exposure of towns to the costs of repairing, removing, or maintaining uncompleted public improvements associated with site plan and subdivision approvals could result in significant fiscal impacts.

PAGE
BREAK



Town of Mansfield



CURT B. HIRSCH
ZONING AGENT
HIRSCHCB@MANSFIELDCT.ORG

AUDREY P. BECK BUILDING
4 SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3341

To: Planning & Zoning Commission
From: Curt Hirsch, Zoning Agent
Date: March 22, 2012

**Re: Proposed revisions to BAE
87 Jonathan Lane, PZC file # 1113-3**

You may remember that last September the Commission reviewed a request to revise the Building Area Envelope (BAE) of Lot 21 of the Wild Rose Estates Subdivision, now 87 Jonathan Lane. A 12' x 16' storage shed was placed on the property without authorization of a zoning or building permit. The shed is located outside of the designated BAE and in September 2011 the property owner Brian LeClair, requested that the BAE be revised to encompass the existing shed. Several Commission members viewed the shed's location on a field trip. Following extensive discussion at the 10/17/11 PZC meeting it was agreed that "LeClair work with the Zoning Agent to find a suitable location" (for the shed). I met with Mr. LeClair this week at his property to review a resolution to the matter.

Mr. LeClair has revised his request but is still asking for a revision to the building envelope for the reasons stated in his initial application and he has agreed to a modest relocation of the shed. I have provided a plot plan depicting the existing shed and a revised proposal for the BAE, which includes the relocation of the shed. Mr. LeClair remains concerned about locating the shed too close to the house (within the existing BAE) due to gasoline in his equipment and storage, and desires convenient access to his driveway for snow removal equipment. The current request moves the BAE 10-feet closer to the property line than the approved BAE, which places it 20-feet from the property line. The initial request placed the BAE 7-feet from the line.

I will not be able to attend the 4/2/12 PZC meeting. Mr. LeClair told me it may be difficult for him to take time off from his second-shift job to attend an evening meeting. I have provided a possible approval motion for the Commission to consider if it chooses to act. As the shed is already on the site, there is no urgency to act. I will be at the 5/7/12 meeting but I don't know what additional information I could provide to the discussion. I recommend **that the Planning & Zoning Commission approve the proposed revision to the Building Area Envelope on Lot 21 of the Wild Rose Estates Subdivision (87 Jonathan Lane), as described in the 9/16/11 request and shown on a plan dated 3/23/12, because it will not affect neighboring properties, natural or manmade features or the overall character of the subdivision. This action shall be noticed on the Land Record.**

1" = 30'

Proposed BAE Revision

87 Jonathan Lane

3-23-12

77.72'

N06°37'36"W
157.95'

BUILDING AREA ENVELOPE

LOT 21
CONTAINS: 1.014 ACRES
44,180 sq. ft.

THE DEVELOPMENT AREA
ENVELOPE (DAE) LINE FOLLOWS
THE LOT BOUNDARY LINES,
UNLESS OTHERWISE NOTED.

S48°50'40"W
267.65'

C63

C38

LA.

BLAKE

37ft

HIGH POINTS OF
FOUNDATION
WALL = 586.35'

47.3'

22.0'

PROR
EXISTING

124.40'

S66°07'46"W

EXISTING BAE
PROPOSED BAE

20'

30.0'

36.0'

22.0'

58.1ft

C36

C37

JONATHAN

LA

REQUEST FOR SITE/BUILDING MODIFICATIONS
(see Article XI, Section D of the Mansfield Zoning Regulations)

APPLICANT/OWNER SECTION

1. Owner(s) Brian LeClair Telephone 860-477-0307
(please PRINT)
Address 87 Jonathan Ln Town Mansfield Zip 06268
2. Applicant(s) Brian LeClair Telephone 860-477-0307
(please PRINT)
Address 87 Jonathan Ln Town Mansfield Zip 06268
3. Site Location Back yard next to driveway.
4. Reference any approved map(s) that would be superseded if this request is approved:
See attached Foundation As-Built Plan - 12/22/06
5. Reference any new map(s) submitted as part of this request:
LOT 21, Proposed Revision of Building Area Envelope
9-16-11
6. Itemize and describe the modification(s) being requested, using separate sheet where necessary. The description must be adequate to determine compliance with all applicable land-use regulations:-

Request to revise the Building Area Envelope (BAE) per the inclosed plan for the following reasons: Where the shed is currently located is the only flat area that is not directly on, directly next or blocking the access to my leach field or septic tank, or on or next to or blocking the pipes that run to my septic tank and leach field. Also the current location is in close proximity to my driveway which allows me to be able to clear my driveway and walkway with my snow blower easily without having to trudge through snow up hill with the snow blower when it does snow. The shed is located 17 feet from the road and does not pose a problem to town crews. I am requesting the BAE to be only 7 feet away from the property line. Also I store gasoline into shed and believe if I move it close

B. LeClair

Applicant's signature

date 9/16/11

to the house it poses a greater fire risk to my house.

(over)

PROPOSED Revision to
Building Area Envelope
87 Jonathan Lane

9-15-11

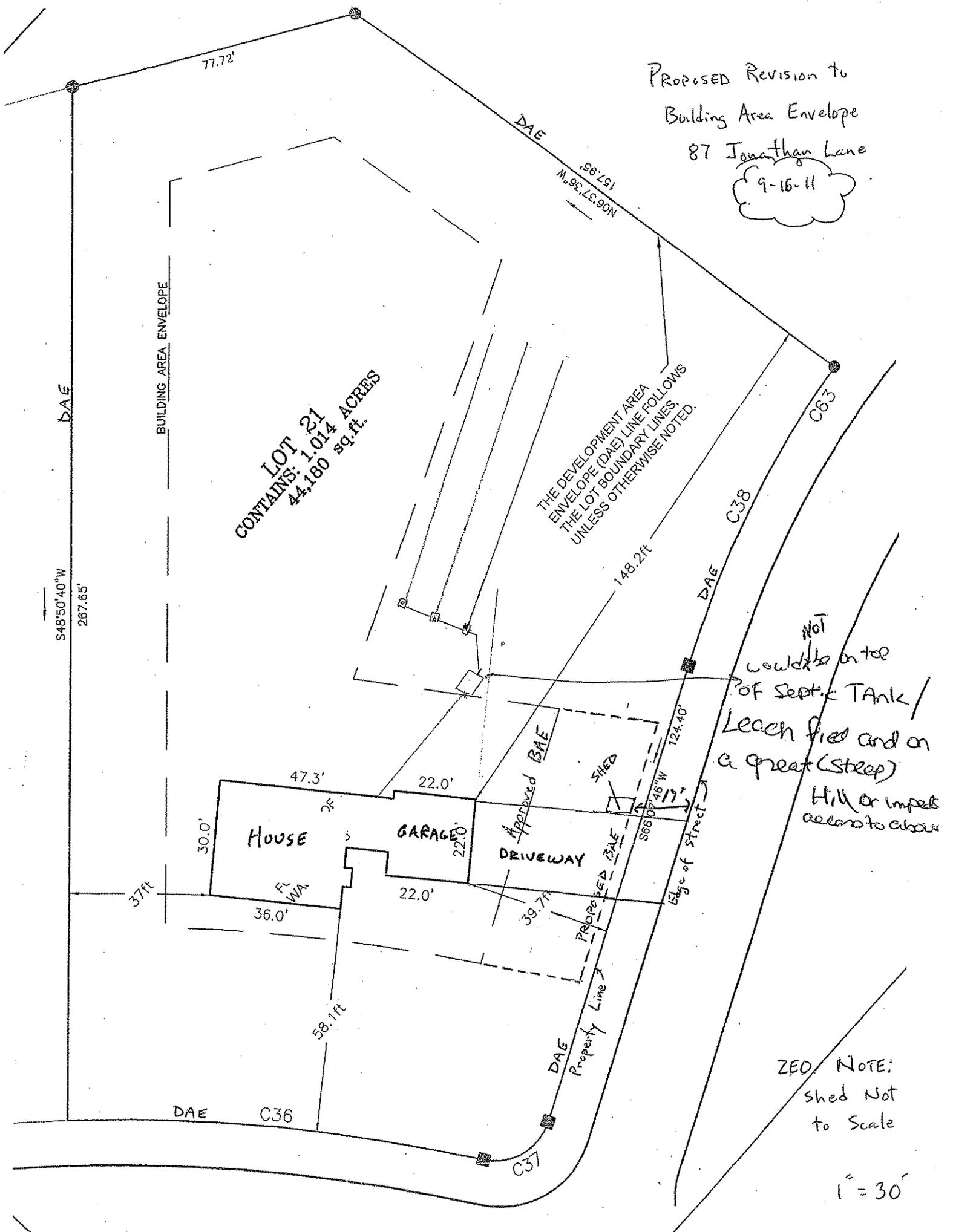
LOT 21
CONTAINS: 1.014 ACRES
44,180 sq.ft.

THE DEVELOPMENT AREA
ENVELOPE (DAE) LINE FOLLOWS
THE LOT BOUNDARY LINES
UNLESS OTHERWISE NOTED.

NOT
would be on top
of Septic Tank/
Leach field and on
a great (steep)
Hill or impact
accelerates about

ZED NOTE:
shed Not
to Scale

1" = 30'



MAP

TOWN OF MANSFIELD
DEPARTMENT OF PLANNING AND DEVELOPMENT

LINDA M. PAINTER, AICP, DIRECTOR

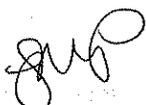
Memo to: Planning and Zoning Commission

Copy to: Conservation Commission
Open Space Preservation Committee
John Jackman, Fire Marshal
Grant Meitzler, Assistant Town Engineer
Geoffrey Havens, Eastern Highlands Health District

From: Linda M. Painter, AICP, Director of Planning and Development

Date: March 29, 2012

Subject: Beacon Hill Estates Section 2
Eagleville Development Group LLC
Subdivision Design Process Submission



In March 2011, the PZC adopted a new design process that is mandatory for proposed subdivisions that include 4 or more lots or a street. In accordance with the requirements of Section 5.2 of the Subdivision Regulations, Eagleville Development Group LLC has submitted an Off-Site and Neighborhood Influences Inventory Plan and Site Analysis Plan for review.

Pursuant to Section 5.2.a.2, these plans are to be reviewed by town staff and referred to the Conservation Commission and Open Space Preservation Committee for review and comment. The PZC is required to be notified in writing and provided with an opportunity to review and comment.

Copies of the relevant regulations are attached for your information along with the submission from Eagleville Development Group LLC. As I am required to provide comments to the applicant by April 26, 2012, I recommend that the Commission schedule a joint field trip with the Conservation Commission and Open Space Preservation commission for April 10, 2012. Comments and feedback provided by PZC members at this field trip will be included in my response to the applicant.

Section 5.0 Subdivision Design Objectives/Design Process

5.1 Design Objectives

Subdivisions shall be designed in a manner that protects the public's health and safety, promotes goals, policies and recommendations contained in Mansfield's Plan of Conservation and Development, addresses the provisions of Section 1 of these Regulations (Purpose and Authority) and complies with all specific requirements contained or referenced in these regulations. To address these objectives, primary considerations in designing streets, walkways/bikeways and other public improvements, lot layouts, proposed locations for houses, driveways, sanitary systems and other site work and identifying appropriate open space preservation areas shall be:

- a. The protection and enhancement of vehicular and pedestrian safety through the appropriate siting of streets, driveways, walkways, bikeways and trails;
- b. The protection and enhancement of existing and potential public water supply wells and ground water and surface water quality through appropriate design and installation of sanitary systems, roadways, drainage facilities, house sites and other site improvements;
- c. The protection and enhancement of natural and manmade features, including wetlands, watercourses, aquifer areas, agricultural lands, hilltops or ridges, historic sites and features, expanses of valley floors, interior forests, significant trees and scenic views and vistas on and adjacent to the subdivision site. Wherever appropriate, site features shall be protected through a clustering of streets and house sites and the identification and preservation of significant open space areas including agricultural lands, interior forests and other land without physical limitations.
- d. The utilization of a site's natural terrain, avoiding unnecessary re-grading, filling and removal activities.
- e. The promotion of energy efficient patterns of development and land use, energy conservation and the use of solar and renewable forms of energy through the appropriate siting of streets, driveways and house sites and, whenever appropriate, bikeway and walkway/trail connections to neighboring streets and neighborhoods; existing and planned commercial areas; schools, parks, and other public facilities and town designated walkway or bicycle routes.

5.2 Design Process

All prospective subdividers are encouraged to meet with the Director of Planning and Development and Development or other Planning Office Staff to review zoning and subdivision approval criteria and application submission requirements.

To help achieve the design objectives of Section 5.1, to expedite application reviews, to help reduce application submission costs and to help ensure compliance with all applicable provisions of Mansfield's Zoning and Subdivision Regulations, Mansfield has established a comprehensive pre-application design process. This design process, which is recommended for all subdivisions, includes mandatory pre-application submissions for all subdivisions with new streets or four (4) or more lots. The process has the following steps:

- Step 1 Preparation of an Off-Site and Neighborhood Influences Inventory Plan and preparation of a Site Analysis Plan (see Section 5.2.a)
- Step 2 Preparation of a Conceptual Yield Plan and a Conceptual Layout Plan (see Section 5.2.b)
- Step 3 Testing and Preparation of Final Subdivision Plans (See Section 5.2.c and Section 6)

It is important to note that any pre-application comments and/or recommendations provided to a prospective subdivider by Mansfield's Director of Planning and Development and Development, other staff member or Mansfield Commission or Committee member, shall not be binding on the

applicant, the Planning and Zoning Commission or any other authority, agency or official having jurisdiction to review and act upon the subject subdivision.

a. Off-Site and Neighborhood Influences Inventory Plan and Site Analysis Plan

1. Off Site and Neighborhood Influences Inventory Plan

Regional, town-wide and neighborhood characteristics and influences shall be inventoried and considered with respect to the subject subdivision site and the Design Objectives of Section 5.1. State and regional land use plans, Mansfield's Plan of Conservation and Development, local knowledge and other sources of information should be considered in conducting this inventory of off-site influences.

While all prospective applicants are encouraged to submit and review with the Planning Staff an inventory of off-site and neighborhood influences, whenever a subdivision proposal includes new streets or four (4) or more lots, this inventory is mandatory and shall be submitted by a Connecticut Licensed Landscape Architect in association with the Site Analysis Plan requirements of Section 5.2.b. Where required, this inventory shall be presented in the form of a plan showing the location of the project site, area factors such as roads and transportation networks, noteworthy topographical and natural resource features, proximate commercial, recreational, educational and cultural land uses and any other external site features that could influence development on the project site. This plan may be displayed as a cover sheet for the set of final subdivision plans.

2. Site Analysis Plan

Natural and man-made features on or adjacent to a potential subdivision site shall be inventoried and considered in association with the design objectives of Section 5.1 and other provisions of these regulations. While all prospective applicants are encouraged to submit and review with Planning Staff a Site Analysis Plan (as described below), whenever a subdivision proposal includes new streets or four (4) or more lots, the submittal of a Site Analysis Plan is mandatory. Where required, a Connecticut Licensed Landscape Architect shall prepare and submit to the Director of Planning and Development and Development five (5) copies of a Site Analysis Plan containing the information listed below as applicable to the subject site. This plan shall be submitted in association with an Off-Site and Neighborhood Influences Inventory Plan as per Section 5.2.a.1.

The submitted Off-Site and Neighborhood Influences Inventory Plan and the Site Analysis Plan shall be reviewed by Mansfield staff members and shall be referred to the Conservation Commission and the Open Space Preservation Committee. As deemed appropriate by the Director of Planning and Development and Development, the above referenced plans also may be referred to other advisory committees for review and comment. Additionally, the Planning and Zoning Commission shall be informed in writing and provided with an opportunity to receive the submitted information for review and comment. The Director of Planning and Development and Development shall within forty-five (45) days of receipt provide review comments on the submitted plans to both the applicant and the Planning and Zoning Commission and any reviewer who provided comments to the Director. No final subdivision plan involving new streets or four (4) or more lots shall be considered complete and approvable by the Commission unless the Off-Site and Neighborhood Influences Inventory Plan and the Site Analysis Plan requirements have been met.

The following information shall be included, as applicable to the subject site, on all required Site Analysis Plans:

1. North arrow, date and scale. All plans shall be drawn at a scale of one (1) inch equals forty (40) feet (1" = 40') or less. The Director of Planning and Development and Development shall have the right to permit different scales for larger parcels provided the scale used shall also be used for the final subdivision plan. Use of the same scale will facilitate a transfer of information.
2. Name of subdivider and subdivision and the name and seal of the Landscape Architect who prepared the plan.
3. Boundaries of tract to be subdivided.
4. Existing contours at two (2) foot intervals. All slopes over 20 percent and watershed divides should be indicated.
5. Existing streets, easements, fences, walkways, bikeways, trails, structures both onsite and immediately adjacent to the site.
6. Wetlands and watercourses including intermittent streams both onsite and immediately adjacent to the site.
7. One Hundred (100) year flood plains, including base flood information on any portion of the land being subdivided which is within flood hazard areas as shown on the Zoning Map and in greater detail in the flood insurance study dated July 1980, and the most current Federal Emergency Management "Floodway" and Flood Insurance Rate Maps.
8. Aquifer areas and public drinking water wells on or within 500 feet of a site.
9. Soil type classifications as per the current U.S.D.A. Natural Resource Conservation Service Soil Survey for Tolland County, CT.
10. On-site and adjacent historic features including: all structures, wells and other utility features, walls and fences regardless of their condition, existing or former walks, paths, drives, trails, etc., curbs and pavement, man-made elements inserted into the ground such as hitching posts, garden or enclosed areas, significant vegetation, remains of old foundations, rip-rapping, arbors, trellises, etc., and any other historic features observed.
11. On-site and adjacent agricultural land with existing uses identified.
12. Areas with potential State and Federally-listed endangered, threatened or special concern species as per the current State and Federal Listed Species and Natural Communities Map published by the Connecticut Geological and Natural History Survey of the Connecticut Department of Environmental Protection; and significant natural flora and fauna communities as per Mansfield's Plan of Conservation and Development mapping.
13. Other natural and man-made features, including rock ledges and rock outcropping, significant trees, tree or shrub groves or masses of groundcover and obvious wildlife habitats.
14. Desirable scenic and/or historic views and vistas into or out of the site, desirable internal vistas and views and any undesirable views and vistas both off and on-site.
15. On-site and adjacent open space and recreational land with existing uses identified.
16. Off-site nuisances to be screened.
17. Negative site conditions such as dangerous and dilapidated buildings, dead and falling trees, diseased plants, infestation of invasive species, areas of stripped top soil, deposits or junk and refuse.

18. Objectionable noises or odors and their sources both on and off site.
19. Particular micro-climatic conditions that may affect development.
20. Directions of prevailing winter winds and summer breezes.
21. Horizontal angles of the sun (azimuth) on December 21 and June 21.
22. Primary directions of off-site traffic flow and relative volumes; points of connection of site with sidewalks, bikeways and trails, if any.
23. Logical points of ingress and egress to the site; sight lines of possible driveway to road; locations of all trees over 9 inches in diameter (d.b.h.) within sight lines.
24. Tentative notations of possible preservation and conservation areas (areas where development should be discouraged).
25. Tentative identification of areas that are better suited for development.

An example of a site analysis plan is contained in Appendix A of these regulations.

In situations where the Director of Planning and Development and Development becomes aware of a planned subdivision but the mandatory submittal of an Off-Site and Neighborhood Influences Inventory Plan and a Site Analysis Plan are not required, the Director is encouraged (subject to privacy considerations or other factors) to notify other staff members, the Conservation Commission, the Open Space Preservation Committee and, as appropriate, other advisory committees that a subdivision is being considered for the subject property. This notification provision is designed to facilitate the communication of useful information to a potential applicant at an early stage of the subdivision design process.

In situations where an Off-Site and Neighborhood Influences Inventory Plan and Site Analysis Plan have not been submitted but the Director of Planning and Development and Development has notified staff and advisory committees of a potential subdivision application, the Planning and Zoning Commission shall be informed in writing and provided an opportunity to comment. Any pre-application review comments from staff members, commission or committee members shall be incorporated into a report from the Director of Planning and Development and Development, which shall be submitted to the applicant, the Planning and Zoning Commission and any reviewer who provided comments to the Director. Any comments from the Commission shall not be binding on the applicant, the Commission or any other authority, agency or official having jurisdiction to review and act upon the subject subdivision.

b. Conceptual Yield Plan and Conceptual Layout Plan

Following the analysis and review of off-site and neighborhood influences and site features, the next step in designing a Mansfield Subdivision shall be the preparation of a Conceptual Yield Plan and a Conceptual Layout Plan. These plans shall take into account all comments received in association with the initial step as described in Section 5.2.a.

All applicants are encouraged to submit to the Planning Office a Conceptual Yield Plan and Conceptual Layout Plan for review prior to the submittal of final plans. However, whenever a subdivision proposal includes new streets or four (4) or more lots, a Connecticut Licensed Landscape Architect shall prepare and submit to the Director of Planning and Development and Development five (5) copies of a Conceptual Yield Plan and a Conceptual Layout Plan. Several concept plans may be submitted concurrently. The submitted plans shall be reviewed by Mansfield staff members and, shall be referred to the Conservation Commission, the Open Space Preservation Committee and the Design Review Panel. As deemed appropriate by the

Director of Planning and Development and Development, the plans also may be referred to other advisory committees for review and comment. Additionally, the Planning and Zoning Commission shall be informed in writing and provided with an opportunity to receive the submitted plans for review and comment. The Director of Planning and Development and Development shall within forty-five (45) days of receipt provide review comments on the submitted plans to both the applicant and the Planning and Zoning Commission and any reviewer who provided comments to the Director. No final subdivision plan involving new streets or four (4) or more lots shall be considered complete and approvable by the Planning and Zoning Commission unless these conceptual plan requirements have been met. All review comments on conceptual plans shall not be considered as a commitment to approve final plans which are subject to independent review and approval pursuant to Section 6 and compliance with all applicable approval criteria contained in these regulations.

The Conceptual Yield Plan, which shall be drawn to a scale best suited to the site and allows appropriate review, shall identify potential streets (where applicable), potential lots and potential open space areas that could be developed with standard frontages and lot sizes pursuant to all applicable zoning and subdivision approval criteria. Mansfield's Subdivision Regulations require a yield plan to determine the maximum number of lots that could be developed on a subject site (see Section 6.10.a.6 for yield plan provisions).

The Conceptual Layout Plan, which shall be drawn to a scale best suited to the site and allows appropriate review, shall identify potential streets (where applicable), potential lots and potential open space areas that could be developed pursuant to all applicable zoning and subdivision approval criteria, including Mansfield's "Cluster Development" provisions. Section 7.4 of the Subdivision Regulations authorizes the Commission to require new subdivisions to be clustered with reduced lot sizes and larger areas of preserved open space. Section 7.6 includes provisions to reduce or waive lot frontage and setback requirements. A submitted Conceptual Layout Plan should reflect an applicant's intended final plan submission subject to soil testing and obtaining more specific site information.

c. Testing/Preparation of Final Subdivision Plans

Following the receipt of review comments on all submitted conceptual plans, applicants shall conduct all required testing pursuant to State Health Code requirements and permits issued by Eastern Highlands Health District. Following on-site testing and further analysis, applicants can elect to resubmit conceptual plans pursuant to Section 5.2.b. or prepare final plans pursuant to Section 6. The final plan shall take into account all information obtained through Mansfield's design process.

Final Subdivision plans shall depict proposed streets, lot lines, building and development area envelopes, house locations, well and septic system locations, open space areas, natural and manmade resources and other details required by Section 6 and other provisions of these Regulations. The final subdivision plan shall address the minimum lot size provisions of the Zoning Regulations, and the number of proposed lots shall be no greater than the number depicted on a finalized yield plan prepared pursuant to Section 6.10.a.6.

**TOWN OF MANSFIELD
DEPARTMENT OF PLANNING AND DEVELOPMENT**

LINDA M. PAINTER, AICP, DIRECTOR

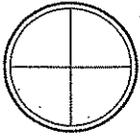
Memo to: Planning and Zoning Commission
From: Linda M. Painter, AICP, Director of Planning and Development *LMP*
Date: Wednesday, March 28, 2012
Re: Request for filing extension, Listro Re- Subdivision, File #1296

On 10/17/11, the PZC approved a modification of the Listro Subdivision and required final plans to be recorded by January 14, 2012. Subsequently, a 90 day extension request was submitted and approved by the Planning and Zoning Commission Chairman, extending the recording deadline to April 13, 2012. Since that time, in a 3/16/12 letter, the applicant has requested a second extension, which requires PZC approval.

The request has been made in order to finalize documents with the bank and complete monumentation improvements. This reviewer has no objection to the extension request, and the following motion is recommended:

That the Planning and Zoning Commission, pursuant to Section 6.5 of the Subdivision Regulations, grant a second ninety-day extension for filing final subdivision plans for the Listro Re- Subdivision (File #1296), expiring on July 12, 2012.

PAGE
BREAK



TOWNE ENGINEERING, INC.

PROFESSIONAL ENGINEERS • LAND SURVEYORS • EXPERT WITNESS

MAIL: P.O. BOX 162 SOUTH WINDHAM, CT 06266

OFFICE: 1 RICHMOND LANE, WILLIMANTIC, CT 06226

860-423-6371 • 860-889-2100 • Fax 860-423-5470

DONALD R. AUBREY, PE., L.S.

JOSEPH H. BOUCHER, M.S., L.S.

MATTHEW D. MAYNARD, PE.

March 16, 2012

Planning and Zoning Commission
Town of Mansfield
4 South Eagleville Road
Storrs, CT 06268

Attn: Linda Painter, Director of Planning and Development

Re: Listro Resubdivision
Candide Lane and Stearns Road
Mansfield File #1296
TEI Job #10-116

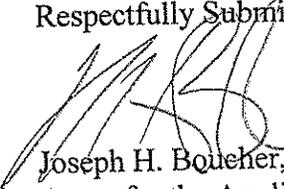
Dear Commissioners,

On behalf of John Listro and Suzanne Listro, we hereby respectfully request that the Planning and Zoning Commission grant a 90 day extension for the filing of mylars requirement from the current deadline of April 13, 2012 (see letter dated January 26, 2012 attached hereto) for the modified resubdivision approval granted on October 17, 2011 by the Planning and Zoning Commission and as is shown on a map entitled:

RE-SUBDIVISION PLAN PREPARED FOR JOHN LISTRO, STEARNS ROAD & CANDIDE LN. MANSFIELD, CT. DATE 11/4/10; SCALE 1"=40'; REVISED THROUGH 11/7/11; BOOK NO. 330, 460 & 473; DISC NO. 10-116(B), CAD DWG 10-116-2; DRAWN MDM; DESIGNED MDM; CHECKED JHB/DRA; SHEET NOS. 1, 2, & 3 OF 3; JOB NO. 10-116.

Please feel free to contact me at anytime regarding this request. Thank you for your continued cooperation with this application.

Respectfully Submitted,


Joseph H. Boucher, M.S., L.S.
Agent for the Applicants

Cc: Attorney Giacomo Guarnaccia
John Listro

**TOWN OF MANSFIELD
PLANNING AND ZONING COMMISSION**

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILL ROAD
STORRS, CT 06268
(860) 429-3330

Thursday, January 26, 2012

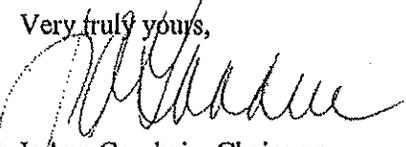
Towne Engineering
Attn: Joseph H. Boucher, M.S., L.S.
P.O. Box 162
South Windham, CT 06266

Dear Mr. Boucher,

At a meeting held on 10/17/11, the Mansfield Planning and Zoning Commission approved the modification of the Listro Subdivision (File #1296). Pursuant to Section 6.15 of the Mansfield Subdivision Regulations, the applicant was required to record the site plan by January 14, 2012. A request for a 90 day extension was received by the Planning Office and approved by the Chairman of the Planning and Zoning Commission; as such, you now have until April 13, 2012 to record the subdivision. If you are unable to meet this deadline, please submit a request for extension for Commission consideration by March 26, 2012.

If you have any questions regarding this action, please call the Planning Office at 429-3330.

Very truly yours,


JoAnn Goodwin, Chairman
Mansfield Planning & Zoning Commission

Cc: Attorney Giacomo Guarnaccia
John Listro
Susan Listro

**TOWN OF MANSFIELD
DEPARTMENT OF PLANNING AND DEVELOPMENT**

LINDA M. PAINTER, AICP, DIRECTOR

Memo to: Planning and Zoning Commission
From: Linda M. Painter, AICP, Director of Planning and Development 
Date: March 29, 2012
Subject: 8-24 Referral: Healey License Request at Common Fields

Pursuant to the provisions of Section 8-24 of the State Statues, the above-referenced proposed license of town land has been referred to the PZC for comment. The Town Council has scheduled a Public Hearing on this issue for May 14, 2012, and if possible, comments should be forwarded prior to the Public Hearing. The PZC has 35 days to report to the Town Council. A copy of the Council Agenda Item and location maps are attached for your reference.

The following information is provided for the PZC's consideration.

- Michael Healey is requesting approval of a license for approximately 0.36 acres of the property known as the Common Fields for use as occasional parking to support a proposed banquet venue at 476 Storrs Road.
- The subject property is zoned RAR-90 and is located within the Mansfield Center historic village area.
- The property is identified existing preserved open space on Map 21 - *Existing and Potential Conservation Areas* in the Plan of Conservation and Development (POCD).
- While the Common Fields is currently leased to a local farmer, the portion of the property that is the subject of the license request by Mr. Healey is not in active agricultural production. Due to its separation from the bulk of the field by the public path and the slope of the property, use of the property for occasional parking would not impact the adjacent agricultural operation.
- Due to the slope of the property, views of the parking area from Storrs Road and Bassetts Bridge Road would be limited.
- Approval of the license would facilitate the proposed restoration of the barn at 476 Storrs Road, which is consistent with POCD objectives related to protection of historic and scenic resources.

Summary/Recommendation

As noted above, the proposed license request would support objectives related to preservation of historic and scenic resources in the Plan of Conservation and Development. It is recommended **that the PZC notify the Town Council that the proposed license of a portion of the Common Fields is consistent with the Plan of Conservation and Development provided appropriate conditions are placed on the license to ensure that the property is maintained, the frequency of use is limited to ensure that it remains an occasional use, and that public access to the pathway is maintained at all times. Furthermore, it is noted that this recommendation is limited to the license request and shall not obligate the Commission to approve any future special permit request for a banquet facility at 476 Storrs Road.**

MEMORANDUM

Town of Mansfield
Town Manager's Office
4 So. Eagleville Rd., Mansfield, CT 06268
860-429-3336
Hartmw@mansfieldct.org

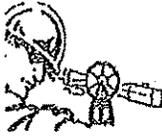


To: Planning and Zoning Commission
CC: Linda Painter, Director of Planning
From: Matt Hart, Town Manager *Matt*
Date: March 27, 2012
Re: License Request, Common Fields at Bassetts Bridge Road

The following motion was passed by the Town Council on 3/26/2012:

“Move, to refer Mr. Healey’s proposed license request to use a portion of the Common Fields at Bassetts Bridge Road, to the Agriculture Committee, the Open Space Preservation Committee, the Parks Advisory Committee and the Planning and Zoning Commission, and to schedule a Public Hearing for 7:30 PM at the Town Council’s regular meeting on May 14, 2012 to receive public comment regarding the proposed license.”

Please see the attached information regarding the above captioned matter for your review. Your assistance with this matter is greatly appreciated.



HEALEY & ASSOCIATES, LLC

P.O. Box 557, Mansfield Center, CT 06250 Ph: 860-456-4500 Fax: 860-456-4501

February 23, 2012

Mr. Matthew W. Hart
Town Manager – Town of Mansfield
4 South Eagleville Road
Storrs, CT 06268

Re: **Healey Property at 476 Storrs Road, Mansfield Center, Connecticut**
The Common Fields

Dear Mr. Hart:

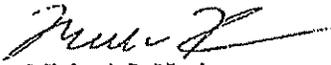
This letter is to serve as a request for license to use a small portion of the Town owned property adjacent to the referenced 476 Storrs Road property (hereinafter "Healey Property") in accordance with the enclosed plan for your review. The use would be to provide overflow parking in conjunction with the development of the barn as a banquet facility. The proposed license and use is contingent upon Town approvals from both the Inland Wetland Commission and the Planning and Zoning Commission.

The area of overflow parking is consistent with the area traversed in our site walk last year that was attended by yourself, Greg Padick, Linda Painter, Lon Hultgren, Mark Kiefer and Jennifer Kaufman. The proposed parking area would be used occasionally in conjunction with banquets that exceeds our proposed parking capacity.

The proposed application includes a request to construct and maintain a manicured lawn parking area in which minor site grading would be required. The license would include provisions that the Healey's would be responsible for maintenance of the licensed area and that the license is revocable by the Town.

At this time we seek your support and recommendation of this plan. If you have any questions or require further documentation please do not hesitate to contact Michael C. Healey @ (860) 456-4500 or (860) 377-9901. Thank you for your consideration of this matter.

Respectfully submitted,


Michael C. Healey

PROJECT: 476 Storm Road, Mansfield, CT
 CLIENT: CommonFields
 DATE: 1/17/2012

Revised: 1/17/2012

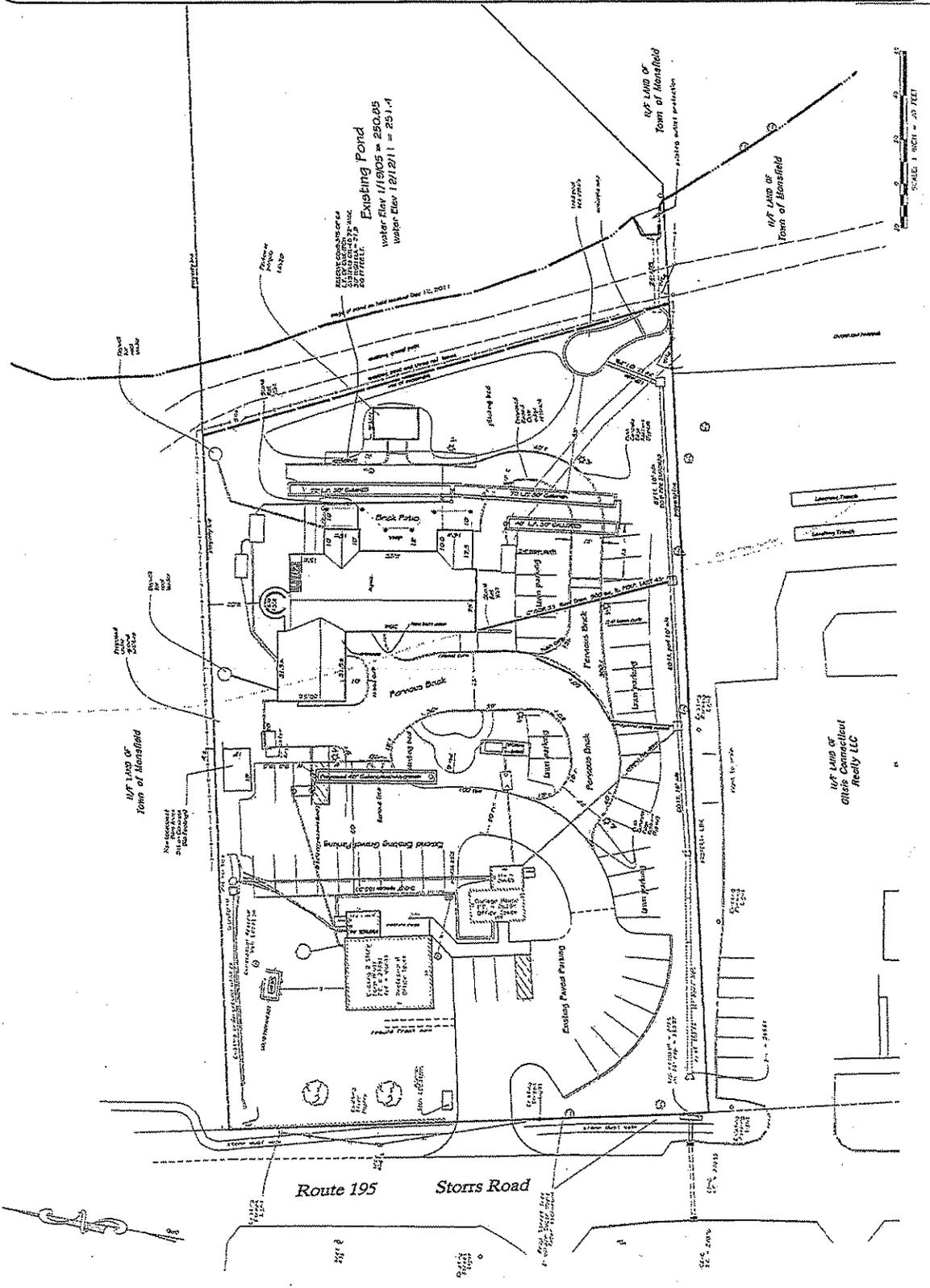
PROJECT: 476 Storm Road, Mansfield, CT
 CLIENT: CommonFields
 DATE: 1/17/2012

NO.	DATE	DESCRIPTION	BY
1	1/17/2012	ISSUED FOR PERMIT	JK

PROJECT: 476 Storm Road, Mansfield, CT
 CLIENT: CommonFields
 DATE: 1/17/2012

PROJECT: 476 Storm Road, Mansfield, CT
 CLIENT: CommonFields
 DATE: 1/17/2012

PROJECT: 476 Storm Road, Mansfield, CT
 CLIENT: CommonFields
 DATE: 1/17/2012



SCALE: 1" = 20' FEET

3

1/17/2012

1/17/2012

1/17/2012

NOTES:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CONSTRUCTION SPECIFICATIONS FOR HIGHWAY BRIDGEWORK AND THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR HIGHWAY BRIDGEWORK.

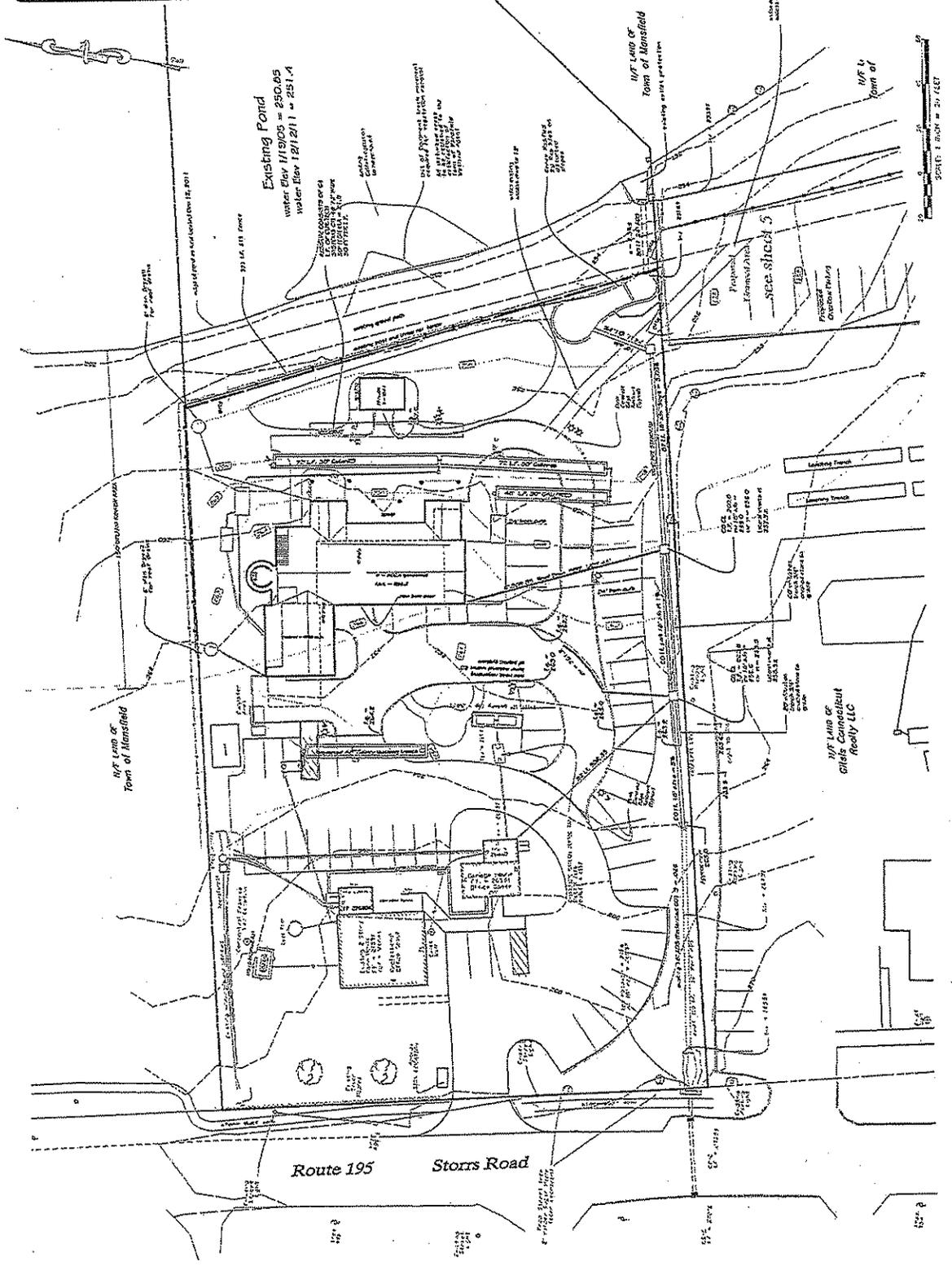
GENERAL NOTES:
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE TOWN OF MANSFIELD AND THE STATE OF CONNECTICUT.

No.	DATE	DESCRIPTION
1	3/27/12	REVISED PER TOWN OF MANSFIELD COMMENTS
2	4/17/12	REVISED PER TOWN OF MANSFIELD COMMENTS

DESIGNER:
 COMMONFIELDS ENGINEERING
 47% SHORE ROAD
 MANSFIELD, CT 06250-2437
 PH: 400-455-4500

PROJECT:
 Site Grading
 CommonFields
 47% Shore Road
 MANSFIELD, CT

DATE: 1/17/2012
SCALE: 1" = 20'
SHEET NO.: 4



Scale: 1" = 20'

DATE: 1/17/2012

PROJECT: SITE GRADING COMMONFIELDS

CONTRACT NO.:

CONTRACT VALUE:

BY: [Signature]

DATE: 1/17/2012

PROJECT: SITE GRADING COMMONFIELDS

CONTRACT NO.:

CONTRACT VALUE:

NO.	REVISIONS	DATE

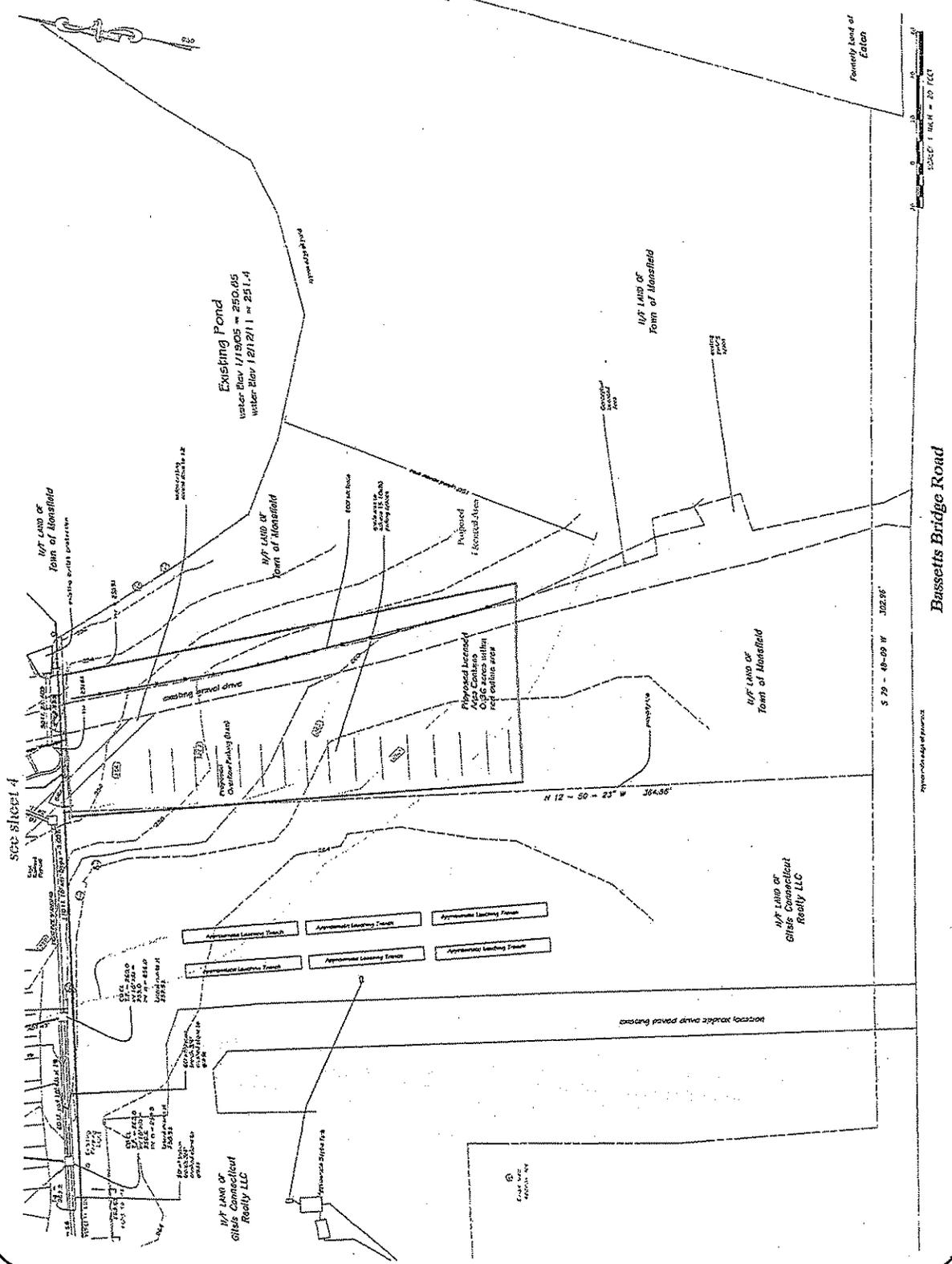
LAND CONSULTING SERVICES
 2000 557 AVENUE C
 WESTFIELD, CT 06097
 TEL: 460-466-1100

Site Grading
 CommonFields
 476 Stone Road
 MANSFIELD CTR. CT

5

1/17/2012

1" = 20'



**TOWN OF MANSFIELD
DEPARTMENT OF PLANNING AND DEVELOPMENT**

LINDA M. PAINTER, AICP, DIRECTOR

Memo to: Planning and Zoning Commission
From: Linda M. Painter, AICP, Director of Planning and Development 
Date: Thursday, March 22, 2012
Re: 2012/2013 Capital Improvements Budget

I have reviewed the proposed 2012-13 Capital Improvements Budget (attached) with respect to Plan of Conservation and Development goals and objectives. The following comments and recommendation are presented for consideration by the PZC:

- Similar to last year's Capital Budget, the proposed Capital Improvement Budget (CIB) for 2012/2013 has very few major projects or equipment purchases. A majority of the listed projects involve replacement equipment and vehicles, maintenance of existing town facilities and funds for ongoing planning initiatives.
- The only major projects included in the proposed C.I.P. are:
 - \$206,530 for the HUD Community Challenge Planning Grant
 - \$96,210 for the Storrs Center Reserve
 - \$100,000 for equipment for Storrs Center

All of the proposed capital projects are considered consistent with the Town's Plan of Conservation and Development. For a number of years, the PZC has responded to the 8-24 referral on the Capital Budget by noting that some projects may need approval by the PZC and/or the IWA, and that adequate time must be given for review and action. The following draft motion is based on previous PZC actions:

That the PZC approve, subject to the condition below, the proposed 2012-13 Capital Improvement Budget.

Several items are land use-regulated and may require PZC and/or IWA approvals before implementation. The PZC respectfully requests that the departments involved with land use projects coordinate plans with the Director of Planning and Development and Inland Wetlands Agent and that the Commission/Agency be given adequate time to thoroughly review and act upon final plans for all projects that require PZC or IWA approval.

MEMORANDUM

Town of Mansfield
Town Manager's Office
4 So. Eagleville Rd., Mansfield, CT 06268
860-429-3336
Hartmw@mansfieldct.org



To: Planning and Zoning Commission
CC: Gregory Padick, Director of Planning
From: Matt Hart, Town Manager *Matt*
Date: March 27, 2012
Re: Referral: 2012-13 Capital Improvement Budget

Please see the attached information regarding the above captioned matter. Please review and comment on the proposal, pursuant to your authority under Connecticut General Statutes Section 8-24.

Your assistance with this matter is greatly appreciated.

TOWN OF MANSFIELD
PROPOSED FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM
2013/17

	Future Projects				
	<u>2012/13</u>	<u>2013/14</u>	<u>2014/15</u>	<u>2015/16</u>	<u>2016/17</u>
GENERAL GOVERNMENT					
Facility Study Police		40,000			
Fiber Connection to Fire Stations	25,000	25,000			
Future Projects				85,000	85,000
Pool Cars	35,000	20,000	20,000	20,000	20,000
Software	60,000	45,000	110,000	25,000	25,000
Strategic Planning/Organization Develop.	10,000				
Total Gen. Govt.	130,000	130,000	130,000	130,000	130,000
COMMUNITY DEVELOPMENT					
Four Corners Sewer/Water Improvement		5,000,000	6,000,000		
HUD Grant	206,530	206,530	206,530		
Storrs Center Reserve	96,210	96,210	96,210	96,210	96,210
Future Projects - Local Share				3,000	3,000
Total Community Development	302,740	5,302,740	6,302,740	99,210	99,210
PUBLIC SAFETY					
Fire and Emergency Services					
Communication Equipment	10,000	10,000	5,000	4,000	4,000
Fire Hose	5,000	8,000	12,000		
Fire Ponds - 82902	6,000	7,000	7,000	7,000	7,000
Personal Protective Equipment	31,000	25,000	25,000	15,000	20,000
Replacement of Ambulance 607				230,000	
Replacement of ET 507	200,000	350,000			
Replacement of Rescue 107			381,500	178,500	
Replacement of ET 107				7,335	453,260
Replacement of 79MF	33,000				
Replacement of 20MF		34,000			
Replacement of 83MF				43,500	
Replacement of SCBA				50,000	100,000
Replacement of SCBA Air Tanks	15,000	25,000	40,000		
Rescue Equipment			30,000	10,000	10,000
Animal Control					
Van	20,000				
Total Public Safety	320,000	459,000	500,500	545,335	594,260
COMMUNITY SERVICES					
Community Center - Misc/Other	15,000	15,000	15,000	15,000	15,000
Fitness - Equipment	48,100	57,600	42,400	62,700	60,000
Open Space Acquisition & Management	-	-	-	-	-
Park Improvements	20,000	20,000	20,000	20,000	20,000
Playground Surfacing - 85824	5,000	5,000	5,000	5,000	5,000
Playscapes - New/Replacements	10,000	40,000	40,000	40,000	40,000
WHIP Grants - MHP, EGVP, OSHF - 8583	-	-	5,000	-	-
Total Community Services	98,100	137,600	127,400	142,700	140,000
FACILITIES MANAGEMENT					
Town					
Maintenance Projects - 86260	15,000	15,000	15,000	15,000	15,000
Oil Tank Repairs - All buildings		40,000			
Replacement Vehicles				20,000	
Vault Climate Control		10,000	20,000	10,000	10,000

TOWN OF MANSFIELD
PROPOSED FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM
2013/17

	Future Projects				
	<u>2012/13</u>	<u>2013/14</u>	<u>2014/15</u>	<u>2015/16</u>	<u>2016/17</u>
FACILITIES MANAGEMENT (continued)					
Education					
Maintenance Projects - 86260	40,000	40,000	40,000	40,000	40,000
Elementary School Cleaning Equipment			10,000	20,000	20,000
MMS Heating - Pipe Line	50,000				
Outdoor Tractor Replacement			20,000		20,000
Roof Repairs	20,000	20,000	20,000	20,000	20,000
Total Facilities Management	125,000	125,000	125,000	125,000	125,000
PUBLIC WORKS					
Bobcats			65,000		65,000
Engineering CAD Upgrades - 83911	10,000	15,000	20,000	25,000	25,000
Gas Pumps		15,000			
GPS Units			24,000	24,000	
Guardrails Imprv/Replace - 83510	5,000	5,000	10,000	10,000	5,000
Large Bridges (over 20 foot span) - 83303	15,000	15,000	25,000		25,000
Large Dump Trucks - 83634	100,000	175,000		175,000	175,000
Large Snow Plows		6,000		6,000	
Medium Dump Trucks				65,000	
Mowers & Attachments		65,000	15,000		60,000
Paving Equipment				45,000	15,000
Pickups/Small Dump Trucks		45,000	35,000	80,000	35,000
Radar Speed Signs			10,000		
Road Drainage - 83401	50,000	50,000	50,000	50,000	50,000
Road Grader					125,000
Road/Resurfacing - 83524	330,000	330,000	330,000	330,000	330,000
Roller				25,000	
Sanders			6,000		6,000
Small Bridges	10,000	10,000		15,000	
Small Dump Trucks & Sanders	30,000				
Storrs Center Equipment	100,000				
Street Sweeper			165,000		
Transportation/Walkways per Town's priori	100,000	108,000	110,000	135,000	150,000
Trees	10,000	10,000	10,000	5,000	10,000
Wincog Equipment - Regional Share		15,000	10,000		
Total Public Works	760,000	864,000	885,000	990,000	1,076,000
TOTAL C.I.P.	\$ 1,735,840	\$ 7,018,340	\$ 8,070,640	\$ 2,032,245	\$ 2,164,470
Funding:					
Bonds		5,000,000	6,000,000		
CNR Fund	1,208,000	1,481,000	1,548,500	1,693,335	1,828,260
CNR Fund - Storrs Center Reserve	96,210	96,210	96,210	96,210	96,210
Federal and State Grants	203,530	203,530	203,530		
LoCIP	180,000	180,000	180,000	180,000	180,000
Other - Parks and Rec	48,100	57,600	42,400	62,700	60,000
TOTAL FUNDING:	\$ 1,735,840	\$ 7,018,340	\$ 8,070,640	\$ 2,032,245	\$ 2,164,470

**TOWN OF MANSFIELD
DEPARTMENT OF PLANNING AND DEVELOPMENT**

LINDA M. PAINTER, AICP, DIRECTOR

Memo to: Mansfield Planning and Zoning Commission
From: Linda M. Painter, AICP, Director *LMP*
Date: **March 29, 2012**
Re: 8-24 Referral: Village Street Utility Easement

Pursuant to the provisions of Section 8-24 of the General Statutes, the above-referenced easement has been referred to the PZC for comment. The following information is provided for the PZC's consideration.

As part of the Storrs Center project, town has acquired the property upon which the new public streets will be constructed. However, because this property is not yet an 'official' town street, the legal department at Connecticut Light and Power is requiring that the town grant a utility easement over the property that will become the Village Street/Village Street Connector to allow them to proceed with installation of new utilities while the new roads are being built. The proposed easement location is depicted on the attached map.

Summary/Recommendation

Based on the approved plans for Phase I of the Storrs Center Development:

_____ MOVES, SECONDED BY _____ that the PZC report to the Town Council that the PZC recommends that the Town Manager be authorized to grant the proposed utility easement to Connecticut Light and Power as it is consistent with Mansfield's Plan of Conservation and Development and the approved Storrs Center Master Plan.

MEMORANDUM

Town of Mansfield
Town Manager's Office
4 So. Eagleville Rd., Mansfield, CT 06268
860-429-3336
Hartmw@mansfieldct.org



To: Planning and Zoning Commission
CC: Linda Painter, Director of Planning
From: Matt Hart, Town Manager *MH*
Date: March 27, 2012
Re: Utility Easement – North Sections of the New Village Street in Storrs Center

The following motion was passed by the Town Council on 3/26/2012:

“Move, to refer the proposed utility easement on the North sections of the new Village Street in Storrs Center to the Planning and Zoning Commission for review pursuant to Section 8-24 of the Connecticut General Statutes.”

Please see the attached information regarding the above captioned matter for your review. Your assistance with this matter is greatly appreciated.

PAGE
BREAK

TOWN OF MANSFIELD
DEPARTMENT OF PLANNING AND DEVELOPMENT

LINDA M. PAINTER, AICP, DIRECTOR

Memo to: Planning and Zoning Commission
From: Linda M. Painter, AICP, Director of Planning and Development 
Date: March 29, 2012
Re: FY2012/2013 PZC/IWA Operating Budget

Attached is the budget review calendar for FY2012-2013 as well as the proposed budget for PZC/IWA operations. The proposed operating budget of \$8,100 includes a modest increase of \$570 from the approved FY2011-12 budget for membership fees/professional dues and advertising.

In addition to the standard Commission operating budget, there are significant funds budgeted in the Capital Improvement Program (CIP) for consultant services over the next three years to assist in the preparation of the following:

- Sustainable Design and Green Building Action Plan
- Housing and Economic Development Strategy
- Update to the Plan of Conservation and Development
- New Zoning and Subdivision Regulations

The funds for consultant services related to the above projects will be provided through the HUD Community Challenge Grant received in November 2011.

_____ MOVES, _____ SECONDS to authorize the Chair to submit a letter of support to the Town Council for the proposed FY2012-2013 PZC/IWA Operating Budget (Account 52100).

Revised 02-15-12

**BUDGET REVIEW CALENDAR
FOR BUDGET YEAR 2012-13**

<u>DATE</u>	<u>TIME</u>	<u>ITEM</u>
Mar. 26	Mon 7:30 PM	Budget Presented to Town Council (part of regular Council meeting) Council Chambers - Beck Building - Introduction to the Budget & Review of Process
Mar. 27	Tue 6:30 PM	Council Budget Workshop - Council Chambers - Beck Building - Major Cost Drivers - Policy changes & initiatives (Issue Papers) - Discussion questions
Mar. 29	Thu 6:30 PM	Council Budget Workshop Council Chambers - Beck Building - General Fund Revenue Review - Programmatic Review (review narratives) = General Government/Town Wide (Including Contrib. To Area Agencies) = Public Safety = Community Services = Community Development = Public Works
Apr. 5	Thu 7:00 PM	Public Information Session #1 on Mgr's proposed budget - Council Chambers - Beck Building
Apr. 9	Mon 6:30 PM	Council Budget Workshop - Q & A Session (in advance of regular Council meeting) Council Chambers - Beck Building - Operating Transfers to Other Funds = Parks & Recreation Fund = Debt Service Fund = Downtown Partnership - Internal Service Funds - Health Ins., Worker's Compensation & Management Services = Health Insurance Fund = Worker's Compensation Fund = Management Services Fund - Other Agencies/Funds = Day Care Fund = Eastern Highlands Health District = Cemetery Fund/Long Term Investment Pool
Apr. 9	Mon 7:30 PM	Public Hearing on Budget (part of regular Council meeting) Council Chambers - Audrey P. Beck Municipal Building
Apr. 10	Tue 6:30 PM	Council Budget Workshop - Council Chambers - Beck Building - Capital Improvement Program - Capital Nonrecurring Fund - Solid Waste Fund and Town Aid Road Fund - Sewer Funds
Apr. 11	Wed 6:30 PM	Council Budget Workshop Board of Education discussion with Board Council Chambers - Audrey P. Beck Municipal Building
Apr. 16- 20		School Break
Apr. 23	Mon 6:30 PM	Adoption of Budget and Recommended Appropriations (in advance of regular Council meeting) Council Chambers - Audrey P. Beck Municipal Building
Apr. 25	Wed 6:30 PM	Adoption of Budget and Recommended (if necessary) Appropriations Location TBD
Apr. 30	Mon 7:00 PM	Public Information Session #2 Council Chambers - Beck Building
May 8	Tue 6AM - 8PM	Region #19 Budget Referendum Held in the towns of Ashford, Mansfield and Willington
May 8	Tue 7:00 PM	Annual Town Meeting Mansfield Middle School Auditorium

Town of Mansfield
Expenditure Budget

Budget Fiscal Year: 2012/2013

Account and Description	2011	2012		2012	2012	2013	Change	
	Actual	Base Budget	Budget	Est. Actual	Budget	Proposed Bud	Amount	%
53702 Wincoq	17,618	19,330	19,330	19,330	19,330	20,360	1,050	5.4%
53703 WRFOSA-McSweeney Senior Cneter	1,500	6,500	6,500	6,500	6,500	1,630	-4,870	-74.9%
53707 United Services, Inc	8,000	8,000	8,000	8,000	8,000	8,000		
53708 WRTD - Windam Reg Transit Dist	37,310	38,510	38,510	38,510	38,510	38,510		
53709 Meals On Wheels	1,470	2,700	2,700	2,700	2,700	2,700		
53711 Sexual Assault Crisis Services	4,000	4,000	4,000	4,000	4,000	4,000		
53712 CT Legal Services	5,000	5,000	5,000	5,000	5,000	5,000		
53718 NECASA	800	800	800	800	800	800		
53722 WRTD-Disable Transport	30,460	31,380	31,380	31,380	31,380	17,070	-14,310	-45.6%
53725 WRTD-Pre-paid Fare	15,000	23,000	23,000	23,000	23,000	24,000	1,000	4.3%
53727 Community Companion & Homemake	4,000	4,000	4,000	4,000	4,000	4,000		
53733 Eastern Highlands Health Distr	111,045	113,960	113,960	113,960	113,960	120,350	6,390	5.6%
53734 Mansfield/UCONN Transportation	500	500	500	500	500	500		
53737 Holy Family Shelter	3,000	3,000	3,000	3,000	3,000	3,000		
53739 Veterans' Services	10,000	10,000	10,000	10,000	10,000	10,000		
53740 Windham Area Interfaith Minist	2,500	2,500	2,500	2,500	2,500	2,500		
53741 Perception House	2,500	2,500	2,500	2,500	2,500	1,200	-1,300	-52.0%
53745 Windham Area No Freeze Project								
_ Total_ 45000 Contributions To Area Agenc	295,733	317,940	317,940	317,940	317,940	303,340	-14,600	-4.6%
51047 HUD GRANT DEDUCTION							-24,520	
51049 SMALL CITIES/PROG INCOME DEDUCTI							-5,000	
51201 Regular Payroll - CSEA	109,489	115,220	122,310	122,310	122,310	122,040	-270	-0.2%
51601 Regular Payroll	112,884	91,000	108,320	108,320	108,320	125,920	17,600	16.2%
52202 Travel/Conference Fees	345	1,260	1,275	1,275	1,275	4,260	3,000	238.1%
52203 Membership Fees/Prof Dues	590	500	646	646	646	880	380	76.0%
54301 Office Supplies	1,188	600	684	684	684	600		
54919 Activity Expenses						4,500	4,500	
_ Total_ 51100 PLANNING & DEVELOPMENT	224,496	208,580	232,990	232,990	232,990	228,680	-4,310	-1.8%
52202 Travel/Conference Fees	255	200	200	200	200	200		
52203 Membership Fees/Prof Dues	50	230	165	165	165	300	70	30.4%
53924 Advertising	7,615	6,000	6,000	6,000	6,000	6,500	500	8.3%
53925 Printing & Binding	614	1,000	250	250	250	1,000		
54214 Reference Bks & Periodicals	283	100	100	100	100	100		
_ Total_ 52100 Planning/Zoning Inland/Wetl	8,817	7,550	6,715	6,715	6,715	8,100	570	7.6%
56350 Board of Assessment Appeals	507	700	700	700	700	700		

PLANNING AND ZONING COMMISSION/INLAND WETLANDS AGENCY - 52100

The Planning and Zoning Commission (PZC) works to ensure the orderly growth and development of the community. Pursuant to the Mansfield Code of Ordinances, the PZC is also designated as the Inland Wetlands Agency (IWA) and Municipal Aquifer Protection Agency (APA) for the Town. Legal responsibilities include: formulating and revising the Town's Plan of Conservation and Development (POCD), adopting zoning and subdivision regulations to implement the POCD, reviewing development proposals for conformance with the POCD and adopted regulations, regulating all activities within 150 feet of inland wetlands and watercourses, and ensuring effective enforcement of regulations and conditions of approval for approved projects.

FY 2011/2012 Accomplishments

In addition to standard monthly business items such as the review of development proposals and referrals from the Town Council, the Commission:

- Adopted revisions to the Inland Wetland Agency Regulations to comply with changes to state statutes.
- Continued to work on refining and updating zoning regulations. The following key issues were addressed by the Regulatory Review Committee: entertainment uses (live/recorded music), Low Impact Development (LID) stormwater management techniques, lighting standards and changes to comply with recent state legislation. ♦
- Reviewed Proposed Interstate Reliability Project and prepared recommendations for Town Council consideration. ♦

FY 2012/2013 Trends & Key Issues

Current efforts to identify a new source of water for the Town and University as well as the development of a technology park in the north campus area are expected to increase development pressure in northern Mansfield in the coming years, as well as drive demand for stronger sustainable development regulations.

FY 2012/2013 Goals & Objectives

Goal: Ensure effective implementation of Mansfield's Plan of Conservation and Development. ♦

Objectives:

- Prepare a progress report to document status of recommended actions.
- Continue to review and update zoning regulations based on POCD recommendations.
- Begin to identify issues that should be included and/or addressed in the next POCD update.

Goal: Support development of a *Sustainable Design and Green Building Action Plan* and *Housing and Economic Development Strategy* as part of the recently awarded HUD Community Challenge Planning Grant. ♦

Objectives:

- Participate in public workshops.
- Provide guidance and feedback on draft proposals.

♦ Denotes accomplishment, goal or objective links to the Town's nine strategic vision points.

Planning & Zoning Commission/Inland Wetlands Agency = linkage to Historic & Rural Character, Open Space & Working Farms; Housing: Sustainability & Planning; Government.

TOWN OF MANSFIELD
DEPARTMENT OF PLANNING AND DEVELOPMENT

LINDA M. PAINTER, AICP, DIRECTOR

Memo to: Planning and Zoning Commission
From: Linda M. Painter, AICP, Director of Planning and Development *JMP*
Date: March 29, 2012
Subject: HUD Community Challenge Grant-Draft Workplan

In November 2012, the Town received a grant for over \$600,000 from the U.S. Department of Housing and Urban Development (HUD) Office of Housing and Sustainable Communities (OHSC) to assist in planning for growth anticipated from the build-out of the UConn Technology Park. The grant funds will be used to complete the following projects over a three year period beginning February 15, 2012:

- Development of a **Sustainable Design and Green Building Action Plan**
- Preparation of a comprehensive **Housing and Economic Development Strategy**
- Update to the **Mansfield Plan of Conservation and Development**
- Rewrite of the **Zoning and Subdivision Regulations**

As one of the first steps in the grant process, we are required to complete a workplan for the entire project by April 15, 2012. This workplan must be approved by HUD and must include basic tasks for each project as well as a community engagement strategy to expand outreach and participation to members of the community that are traditionally under-represented in the planning process.

As of the date of this memo, we have completed a draft workplan addressing tasks for the Sustainable Design and Green Building Action Plan and Zoning and Subdivision Regulations. A copy of that draft is attached for your review. I hope to have a draft of the Housing and Economic Development Strategy, which will include the update to the Plan of Conservation and Development, ready for distribution and discussion on Monday.

As this process will entail significant participation from the Commission as well as collaboration with other town commissions and committees, I wanted to get feedback on the proposed process from the Commission before finalizing the workplan with HUD.

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Project Overview

Mansfield is typical of many other small New England towns with a landscape dominated by forests, farmland and historic villages. However, as home to the University of Connecticut (UConn), we also have development and challenges similar to those found in small cities. The recent approval of \$18 million to fund the first phase of a new technology park at UConn combined with the University/Town partnership to procure a new water supply is expected to drive demand for new housing and businesses in areas with potential to connect to existing water and sewer systems.

Objectives

To proactively plan for the Town's anticipated growth and to ensure that new development supports long-term sustainability, the Town of Mansfield, CT will complete the following projects:

- Create a **Sustainable Development and Green Building Action Plan** to identify and remove barriers in town regulations to sustainable development and ensure that new development conserves our natural resources to the maximum extent possible.
- Prepare a **Housing and Economic Development Strategy** to identify tools to increase the type and amount of affordable housing available within close proximity to job centers and transit connections, strengthen our agricultural community, restore balance between owner occupancy and rental units in established neighborhoods, remove regulatory barriers to business growth and identify uses and densities needed for transit-oriented development.
- Revise the Town's **Plan of Conservation and Development (POCD)** to strengthen the Town's ability to implement the Sustainable Development and Green Building Action Plan and the Housing and Economic Development Strategy.
- Develop new **Zoning and Subdivision Regulations** that incorporate the recommendations from the projects listed above and are user-friendly in their language and organization. Informed by the Sustainable Green Building Action Plan, the Economic Development Strategy, and the POCD, the revised zoning regulations will be designed to support housing choice and business growth through identification and removal of regulatory barriers and improving predictability of the development process.

Intended Outcomes

Through these activities the Town predicts the following outcomes:

- Expansion of **community participation** in the decision-making process to a broader cross-section of the community. Community participation activities will be designed to recruit and retain a new, more diverse set of participants for this project and beyond.
- Increase the number of **affordable housing units**, particularly within walking distance of job centers and transit connections. This change is also expected to result in greater community diversity over time.
- Facilitate **job creation** by removing regulatory barriers to business growth.
- **Preserve agricultural land** while allowing farmers to recognize value from land holdings

Phase I: Project Initiation

During the project initiation phase, we will acquire the necessary tools and services to successfully complete the project and establish the framework for a robust community engagement process. The tasks identified for this phase are common to each phase of the project and must be completed concurrently with initial tasks for Phases II and III.

Task PI-1: Building the Team

Approach

Due to the small size of Mansfield and limited availability of town staff, much of the work required by the project will be supported through consultants. As each phase of the project is interrelated, the objective is to retain one multi-disciplinary consulting team to assist with the overall project. This approach will eliminate the duplication of effort that would be needed if different consultants were retained for each phase.

The successful consultant team will have extensive experience in the following areas:

- Community engagement and facilitation
- Long range planning
- Sustainable design/LEED certification
- Economic development (including experience with university research parks, agriculture and small business)
- Housing (including development of multi-family and workforce housing in communities with limited public infrastructure)
- Urban/rural design and community character
- Zoning, subdivision and design regulations (including performance, form-based and hybrid codes)
- Experience working in communities with similar attributes and issues

To ensure that we are able to retain a highly qualified team with the broad range of experience described above, we will use the following advertising methods to expand notice of the RFP nationwide:

- **Web advertising.** The RFP will be posted on relevant websites such as the American Planning Association, the Congress for the New Urbanism and economic development association websites.
- **Targeted Mailings.** The RFP will be sent to consultants with whom the town/staff has had prior experience or who have been recommended by colleagues in other communities.

Products/Outcomes

- Request for Proposals
- Executed Contract

Responsibility

Project Manager; Director of Planning and Development

Timeframe

This task will be completed by _____.

Task PI-2: Community Engagement Strategy

Approach

Like many communities, Mansfield has active participation in local government from a limited number of residents. For this project to succeed, we will need to engage a broader cross-section of the community. The first step in expanding participation will be the development of a comprehensive Community Engagement Strategy that identifies outreach tools and opportunities for participation in each phase of the project. At minimum, the Community Engagement Strategy will include:

- **Project Branding.** To ensure a consistent message over the three year project, a key component of the community engagement strategy will be the development of a project name and logo for use in all printed and electronic materials.
- **Interactive Website.** A project website will be developed to share information and obtain input from residents and other interested stakeholders. The website will provide alternatives for those who cannot attend a public event or who are simply not comfortable speaking in public. This additional avenue for input will allow for broader outreach and more diverse participation than the use of community workshops alone. As the intent of the project website is to facilitate two-way communication between project staff and stakeholders, special community engagement software will need to be acquired.
- **Electronic/Social Media.** A comprehensive strategy for the use of electronic/social media to promote the project will be developed since the town's use of social media is currently limited. This strategy will ensure that use of electronic/social media is appropriate, consistent with HUD guidance and manageable from the standpoint of staff capacity while providing the current, up-to-date information that people expect from these services. It is expected that the strategy will address use of the following types of electronic media:
 - Email notification lists.
 - Facebook
 - Twitter
 - Blogs
 - Posting to local e-newspapers/forums such as mansfield.patch.com
- **Outreach.** In addition to electronic media, more traditional forms of outreach will be used to engage residents and stakeholders. Potential examples include:
 - Event posters at community facilities (town hall, community center, library)
 - Direct mailings
 - School backpack inserts
 - Senior Center newsletter
 - Brochures

- Presence at community events such as Festival on the Green, Storrs Farmers Market, etc.
- Advertisements on Mansfield public access cable channel
- Advertisements in the local newspaper (Willimantic Chronicle)
- Outreach to local organizations
- **Community Participation.** How residents and stakeholders participate in the project will be based on a specific strategy that is tailored to each phase. Phase specific strategies will be adapted as needed to build on past successes as well as changing approaches that are not proving effective. Examples of potential participation opportunities include:
 - Stakeholder interviews
 - Commission/Advisory Committee participation
 - Community workshops
 - Public information events
 - Electronic surveys
 - Electronic discussion forums

Products/Outcomes

- RFP for interactive website software/development
- Executed contract for website software/development
- Community Engagement Strategy
- Live project website

Responsibility

Consultant; Project Manager; Director of Planning & Development

Timeframe

This task will be completed by _____.

Phase II: Sustainable Design and Green Building Action Plan

Using the EPA *Sustainable Design and Green Building Toolkit for Local Governments* as a guide, we will develop an action plan identifying recommended changes to town policies, ordinances and regulations to expand the use of sustainable design and green building techniques in both public and private development projects. In addition to specific regulatory changes, the action plan will identify priorities, potential barriers, incentives and communications strategies to build support from stakeholders and the general public.

Task SD-1: Assessment Tool

Approach

While the EPA toolkit provides a model assessment questionnaire for use by local communities, we believe an essential first step is adapting this questionnaire to local conditions and context and establishing overall sustainability principles that can be used to provide balance when recommendations conflict. For example, the assessment tool focuses primarily on issues and regulations related to environmental sustainability:

- Sustainable Sites and Responsible Land Use Development
- Materials and Resource Conservation
- Energy Conservation and Atmospheric Quality
- Water Efficiency, Conservation and Management
- Indoor Environmental Air Quality

If not evaluated in context with broader sustainability initiatives such as creation of walkable neighborhoods, multi-modal connections, etc., recommendations for regulatory change based solely on the existing questionnaire could impact the town's ability to achieve other sustainability goals. The task of modifying the assessment tool will be undertaken by town staff with guidance from the town's Sustainability Committee.

Products/Outcomes

- **Modified Assessment Tool.** The model assessment questionnaire will be modified to add, delete or amend questions to reflect local conditions, as well as ensure a balance between various sustainability objectives. The modified assessment tool will also provide for the identification of jurisdiction (local or state).

Responsibility

Project Manager; Sustainability Committee

Timeframe

This task will be completed by _____.

Task SD-2: Evaluation of Regulations

Approach

As experts in local regulation, town staff will be responsible for completing the modified assessment tool. The Project Manager will lead a group of town staff in completing the questionnaire, identifying applicable regulations, ordinances and policies, and determining whether the regulations are subject to local or state jurisdiction. Key staff that will be involved in the evaluation process include:

- Director of Planning and Development (Town Planner)
- Zoning Enforcement Agent
- Building Official/Assistant Building Official
- Director of Public Works
- Assistant Town Engineer
- Director of Eastern Highlands Health District
- Fire Marshal/Deputy Fire Marshal

When needed, the project manager and town staff will consult with other departments and state/regional agencies on regulations that are under their control. Staff will also provide an initial assessment of capacity to implement such regulations and if capacity does not exist, changes that would be needed.

Products/Outcomes

- **Completed Assessment Tool.** The completed assessment tool will include references to applicable regulations, ordinances and policies as well as whether the regulations are under state or local jurisdiction.
- **Assessment Summary.** A summary of scores for each section will be developed that identifies areas for improvement based on whether current regulations require or incentivize the desired activity; whether the activity is expressly allowed or if silent, typically approved; or whether the activity is expressly prohibited, or if silent, typically denied. An overview of capacity and needs will also be provided for each section of the assessment tool.

Responsibility

Project Manager; Town Staff

Timeframe

This task will be completed by _____.

Task SD-3: Priorities

Approach

The completed assessment will be provided to the Sustainability Committee for the purpose of prioritizing areas for improvement. In developing the priority list, the Sustainability Committee shall consult with the following entities/officials to ensure that the priorities take into account existing town goals/objectives, capacity, resources, and potential for public support/opposition:

- Planning and Zoning Commission/Inland Wetlands Agency/Aquifer Protection Agency
- Conservation Commission
- Eastern Highlands Health District
- Town Manager
- Building Official
- Town Engineer
- Town Planner
- Other relevant town advisory committees (Agriculture, Open Space Preservation, etc.)

Prior to adoption by the Sustainability Committee, the priority list shall be published on the project website for public input. Additional input may be provided through the community visioning process conducted as part of Phase III of the project.

Products/Outcomes

- **List of priority areas for improvement.** Based on the completed assessment tool and input received from internal and external stakeholders, the areas identified for improvement/regulatory change shall be given a priority of high, medium or low.
- **Public Comment Summary.** A summary of all comments received on the draft priority list shall be compiled and provided to the Sustainability Committee. This summary shall be updated after the adoption of the priority list to identify any changes made based on input received.

Responsibility

Project Manager; Sustainability Committee

Timeframe

This task will be completed by _____.

Task SD-4: Assessment of Permitting Process

Approach

The objective of this task is to identify how existing conditions could impact potential regulatory changes, determine potential for phased implementation, and build consensus among stakeholders on areas for improvement and approaches (mandatory or incentivized). As part of this evaluation, factors such as the following will be considered:

- Level of support for regulatory change (political, public, internal and external stakeholders)
- Economic impact of potential changes
- How potential changes could impact/conflict with other town objectives
- Whether similar changes have been adopted in other Connecticut communities and those changes have been received

A key component of this evaluation is input from both internal and external stakeholders, including the following:

Internal Stakeholders	External Stakeholders
Building and Housing Inspection staff	Local builders/developers
Fire Marshal/Deputy Fire Marshal	Contractors
Planning and zoning staff	Consultants (architects, surveyors, engineers, attorneys)
Eastern Highlands Health District	Property owners
Engineering staff	Local organizations (environmental, civic, etc.)
Economic Development staff	
Town Manager/Assistant Town Manager	
Planning and Zoning Commission/Inland Wetlands Agency/Aquifer Protection Agency	
Conservation Commission	
Agriculture Committee	
Sustainability Committee	
Town Council	

It is expected that this input may be provided in the form of surveys, interviews and stakeholder workshops. A detailed outreach and participation plan will be developed as part of the Community Engagement Strategy. The consultant and project manager will take the lead on completing this task.

Products/Outcomes

- **Interview Summaries.** Summaries of all interviews conducted will be included with the final assessment report.
- **Workshop Summaries.** Summaries will be provided for each workshop, including an overview of outreach efforts, list of participants, and overview of discussion/comments received.
- **Permitting Assessment.** A report identifying barriers, organizational changes and community education needs

Responsibility

Consultant; Project Manager

Timeframe

This task will be completed by _____.

Task SD-5: Action Plan

Approach

The Action Plan will provide the framework for long-term regulatory and organizational change with regard to implementation of sustainable design and green building regulations, policies and incentives. Plan recommendations and priorities will be based on the outcomes of Tasks 1 through 4, and shall include:

- An overview of strengths, weaknesses, opportunities and issues
- Recommended changes to the following documents:
 - Plan of Conservation and Development
 - Town Ordinances, Regulations and Policies
 - Zoning Regulations
 - Subdivision Regulations

Each recommendation should identify potential barriers such as levels of support/opposition; additional resources and organizational changes that would be needed for implementation.

- A communication strategy that continues to involve stakeholders as specific regulatory changes are considered. This strategy should include a broader community education piece regarding the benefits provided through the proposed changes.
- Action matrix identifying priorities for implementation, responsible agencies and target timelines.
- Process for evaluating success of changes and identifying areas for improvement.

Once a draft plan has been completed and reviewed by the Sustainability Committee, it will be placed on the project website for public review and comment. As part of the review process, the draft plan shall be referred to relevant town commissions and committees.

At the conclusion of the public comment period, a summary of comments received and recommended changes shall be provided to the Sustainability Committee for their review and consideration. Based on direction provided by the Sustainability Committee, a final draft shall be prepared and forwarded to the Town Council for acceptance and adoption after a public hearing. The final plan shall include a summary of all comments received and changes made in response to those comments.

Products/Outcomes

- **Sustainable Design and Green Building Action Plan.** The final action plan will address the elements identified above and include an action summary matrix that establishes priorities, sets target dates and identifies responsible parties.
- **Summary of Community Input.** For each draft of the plan, a summary of comments received from the public and town commissions/committees shall be prepared. This summary shall identify whether changes were made based on the comments received.

Responsibility

Consultant; Project Manager; Sustainability Committee

Timeframe

This task will be completed by _____.

Phase IV: Rewrite Zoning and Subdivision Regulations

The final phase of the project involves a complete rewrite of the town's zoning and subdivision regulations in a user-friendly organization and format that incorporates regulatory changes recommended as part of the Sustainable Design and Green Building Action Plan and recommendations from the Housing and Economic Development Strategy. The goal for this project is a set of regulations that clearly communicates the town's vision and priorities and how the regulations implement that vision.

Task ZON-1: Project Goals

Approach

The first step in the process of the rewriting the Zoning and Subdivision regulations will be the establishment of specific project goals and objectives by the Planning and Zoning Commission (PZC). The PZC is the elected body responsible for adopting and amending zoning and subdivision regulations. In development of goals for the final zoning and subdivision regulations, the PZC shall consider the following:

- Changes recommended through the Sustainable Design and Green Building Action Plan
- Strategies and tools recommended as part of the Housing and Economic Development Strategy and updated Plan of Conservation and Development
- Best practices and examples of user-friendly regulations adopted in other communities
- Use of illustrations to augment written regulations
- Key guiding principles and themes that the Town would like to promote through the regulations such as

Products/Outcomes

- **Best Practices Report.** To assist the PZC, a report describing different approaches to zoning (performance, form-based, etc.) including examples of how they are typically used shall be developed. This report shall include examples from other communities, particularly good examples in Connecticut.
- **Goal Statement.** This task will result in the production of a clear goal statement for the new regulations. This statement may be amended based on outcomes of subsequent tasks.

Responsibility

Consultant, Director of Planning and Development, Planning and Zoning Commission

Timeframe

This task will be completed by _____.

Task ZON-2: Assessment

Approach

In addition to changes recommended as part of the Sustainable Design and Green Building Action Plan and the Housing and Economic Development Strategy, this task will focus on identifying the overall strengths and weaknesses of the existing regulations, including procedure, content, structure and overall organization. The Best Practices Report developed as part of the previous task will be used to educate stakeholders as to the options available to address existing issues and obtain feedback on preferred approaches.

A key component of this evaluation is input from both internal and external stakeholders, including the following:

Internal Stakeholders	External Stakeholders
Building and Housing Inspection staff	Local builders/developers
Fire Marshal/Deputy Fire Marshal	Contractors
Planning and zoning staff	Consultants (architects, surveyors, engineers, attorneys)
Eastern Highlands Health District	Property owners
Engineering staff	Local organizations (environmental, civic, etc.)
Economic Development staff	
Town Manager/Assistant Town Manager	
Planning and Zoning Commission/Inland Wetlands Agency/Aquifer Protection Agency	
Conservation Commission	
Agriculture Committee	
Open Space Preservation Committee	
Advisory Committee on Persons with Disabilities	
Economic Development Commission	
Sustainability Committee	

It is expected that this input may be provided in the form of surveys, interviews and stakeholder workshops. A detailed outreach and participation plan will be developed as part of the Community Engagement Strategy.

Products/Outcomes

- Assessment Report.** The completed assessment report will include a summary of strengths and weaknesses as well as issues/recommendations not identified in previous phases. Based on those strengths and weaknesses, preliminary recommendations as to the organization, structure and type (performance, form-based, etc.) of zoning and subdivision regulations will be developed.

- **Summary of Community Input.** A summary of comments received from various stakeholder interviews and workshops will be prepared and included as an attachment to the assessment report.

Responsibility

Consultant, Project Manager, Director of Planning and Development

Timeframe

This task will be completed by _____.

Task ZON-3: Draft Regulations

Approach

Based on the assessment report, the consultant and staff will develop a proposed outline for the new regulations and identify specific tools and techniques that will be used to achieve the project goals and respond to issues raised through the assessment process. The outline and overall approach to the new regulations will be presented to the Planning and Zoning Commission along with the assessment report from the previous task. Adjustments to the outline and approach will be made based on feedback from the Planning and Zoning Commission. The draft regulations will be prepared based on the final outline and approach endorsed by the Planning and Zoning Commission. Intermediate drafts will be reviewed with the PZC prior to publication.

Once completed, the draft regulations and maps will be placed on the project website and at the Mansfield public library for public review. To expand opportunities for public input, information sessions with stakeholders and the general public will be used to explain key changes in the regulations and obtain feedback on organization and content, particularly with regard to how easy/difficult the regulations are to use and understand.

Products/Outcomes

- **Outline and Approach.** An outline and approach will be developed based on the project goals and results of the assessment report. The outline/approach will be reviewed and adjusted by the Planning and Zoning Commission.
- **Draft Zoning and Subdivision Regulations.** New zoning and subdivision regulations will be developed that address project goals and incorporate recommendations from the Sustainable Design and Green Building Action Plan, Housing and Economic Development Strategy, and assessment of existing regulations.
- **Draft Zoning Maps.** New zoning maps will be produced to reflect any new districts created as part of the revised regulations.
- **Public Comment Summary.** A summary of all comments received on the draft regulations shall be compiled and provided to the Planning and Zoning Commission along with changes recommended based on the comments received.

Responsibility

Consultant, Project Manager, Director of Planning and Development

Timeframe

This task will be completed by _____.

Task ZON-4: Final Regulations

Approach

A final draft of the zoning and subdivision regulations will be prepared based on the feedback received on the draft regulations in the previous task. The summary of comments received and the changes proposed in response to those comments will be presented to the Planning and Zoning Commission for their consideration. Based on feedback from the Commission, additional changes will be made if needed. Once the Commission has accepted a final draft of the regulations, a public hearing will be scheduled.

The final draft regulations and maps will be placed on the project website and at the library with a summary of changes made based on previous feedback. Any comments received on the proposed regulations prior to the public hearing will be summarized and presented at the public hearing. The hearing will be advertised pursuant to Connecticut General Statutes. Additionally, notice of the hearing will be placed on the project website and email notices will be sent to all project participants.

Products/Outcomes

- **Final Draft Zoning and Subdivision Regulations.** A final draft of the proposed regulations shall be prepared based on feedback received as part of the previous task and from the Planning and Zoning Commission.
- **Draft Zoning Maps.** Revised zoning maps will be produced based on comments received through the review of the initial draft.
- **Summary of Changes.** A summary of all changes made based on feedback received on the draft regulations shall be prepared and distributed with the final draft.
- **Public Comment Summary.** A summary of all comments received on the proposed regulations shall be compiled and provided to the Planning and Zoning Commission as part of the public hearing process.
- **Adopted Regulations.** The final adopted regulations and map will be prepared and published.

Responsibility

Consultant; Project Manager; Director of Planning and Development

Timeframe

This task will be completed by _____.

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Legal Notice:

The Mansfield Zoning Board of Appeals will hold a public hearing on April 11, 2012 at 7:00 p.m. in Conference Room B of the Audrey P. Beck Municipal Building, 4 South Eagleville Road, to hear comments on the following application:

7:00 P.M. – Roger Manning for a Variance of Article VIII A to construct a 12' x 16' shed 10' from the front property line where 60' is required at 31 Higgins Hwy.

At this public hearing, interested parties may appear and written communications may be received. No information shall be received after the close of the public hearing. Additional information is available in the Mansfield Town Clerk's Office. Dated March 22, 2012.

Beverly Gotch
Chairman

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